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Cubin  
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Danner  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Ehlers  
Emerson  
English  
Ensign  
Everett  
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Gallegly  
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Goode  
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Hall (OH)  
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Hamilton  
Hansen  
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Hayworth  
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Hoekstra  
Holden  
Hostettler

Hulshof  
Hunter  
Hutchinson  
Hyde  
Ingilis  
Istook  
Jenkins  
John  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kasich  
Kildee  
Kim  
King (NY)  
Kingston  
Klecicka  
Klink  
Knollenberg  
Kucinich  
LaFalce  
LaHood  
Largent  
Latham  
LaTourette  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Manton  
Manzullo  
Mascara  
McCollum  
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Mica  
Miller (FL)  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
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Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Ortiz  
Oxley  
Packard  
Pappas  
Parker  
Paul  
Paxon  
Pease  
Peterson (MN)  
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Petri

Pickering  
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Portman  
Poshard  
Quinn  
Radanovich  
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Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryun  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shimkus  
Shuster  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Linda  
Snowbarger  
Solomon  
Souder  
Spence  
Stearns  
Stenholm  
Stump  
Stupak  
Sununu  
Talent  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thune  
Tiahrt  
Traffant  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wolf  
Young (AK)  
Young (FL)

## NAYS—194

Abercrombie  
Ackerman  
Allen  
Andrews  
Baesler  
Baldacci  
Barrett (WI)  
Bass  
Beccerra  
Bentsen  
Berman  
Billbray  
Bishop  
Blagojevich  
Blumenauer  
Boehlert  
Boswell  
Boucher  
Boyd  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Campbell  
Capps  
Cardin  
Carson  
Castle  
Clay

Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Coyne  
Cummings  
Davis (FL)  
Davis (IL)  
Davis (VA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dellums  
Deutsch  
Dickson  
Dingell  
Dixon  
Doggett  
Dooley  
Edwards  
Ehrlich  
Engel  
Eshoo  
Etheridge  
Evans  
Farr

Fattah  
Fawell  
Fazio  
Filner  
Flake  
Foglietta  
Ford  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gejdenson  
Gephardt  
Gibbons  
Gilchrest  
Gilman  
Gordon  
Green  
Greenwood  
Gutierrez  
Harman  
Hastings (FL)  
Hefner  
Hinchee  
Hinojosa  
Hobson  
Hooley

Horn  
Houghton  
Hoyer  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson (WI)  
Johnson, E. B.  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kilpatrick  
Kind (WI)  
Klug  
Kolbe  
Lampson  
Lantos  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Martinez  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McDermott  
McGovern  
McHale

McKinney  
McNulty  
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Miller (CA)  
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Moran (VA)  
Morella  
Nadler  
Obey  
Oliver  
Owens  
Pallone  
Pascarella  
Pastor  
Payne  
Pelosi  
Pickett  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Ramstad  
Rangel  
Reyes  
Rivers  
Rodriguez  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders

Sandlin  
Sawyer  
Schumer  
Scott  
Serrano  
Shays  
Sisisky  
Skaggs  
Slaughter  
Smith, Adam  
Snyder  
Spratt  
Stabenow  
Stark  
Stokes  
Strickland  
Tanner  
Tauscher  
Thurman  
Tierney  
Torres  
Towns  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Wexler  
White  
Wise  
Woolsey  
Wynn  
Yates

## ANSWERED "PRESENT"—1

Livingston

## NOT VOTING—6

Gonzalez  
Hilliard

Schiff  
Sherman

Thompson  
Weygand

## □ 1407

Ms. HOOLEY of Oregon and Mr. DEUTSCH changed their vote from "yea" to "nay."

Messrs. HANSEN, BONIOR, and COX of California changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 258

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for

amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

## GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 258 provides for consideration of H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, under another completely fair and open rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

Under the rule, the Chairman of the Committee of the Whole may give priority recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. And to expedite consideration of H.R. 629, the rule also allows the Chair to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, as long as the first in any series of votes is not less than 15 minutes.

Finally, as is customary, the minority will be provided with a motion to recommit with or without instructions.

Mr. Speaker, in 1980 Congress passed legislation to provide a system for States to take responsibility for the disposal of low-level radioactive waste. Examples of low-level radioactive waste include waste that is disposed of

by hospitals, by universities conducting research, and by electric utilities. This waste poses relatively few risks and typically does not require any special protective shielding to make it safe for workers and communities.

Congress recognized, when it passed the Low-level Radioactive Waste Policy Act of 1980, that while the Federal Government should handle high-level waste, States should be primarily responsible for disposal of low-level wastes generated within their borders. Through the 1980 act, Congress encouraged States to either build their own disposal sites or enter into compacts with other States to share waste disposal facilities. That is exactly what the States of Texas, Vermont, and Maine have done.

Mr. Speaker, this is a straightforward rule which deals with a straightforward process, the ratification of an interstate compact under the law as Congress wrote it.

All the hard work has already been done by the States of Texas, Vermont, and Maine, who negotiated the compact and gained the approval of their respective States. The Governors and legislatures in the States of Texas and Vermont have approved the compact, and Maine secured its citizens' support through a public referendum.

The compact provides that the State of Texas will host the waste facility, but it does not name a specific site. And while Congress does not have to give its consent for interstate agreements to have validity, congressional approval is desirable in this instance to assure that compact members will be able to reject waste from nonmember States.

Mr. Speaker, that is all we are doing today, telling the States of Texas, Maine, and Vermont whether or not we accept their mutual agreement. It is nothing new. Congress has already given its consent to 9 such compacts, including 41 States. Today if we pass this rule and the underlying legislation, Congress will be ratifying compact number 10.

In the Committee on Rules, we heard from the bill's proponents who, in fairness, mentioned the concerns of a few other Members who were not present to give their testimony. While no specific amendments were mentioned to the committee, the open process that this rule provides should offer concerned Members ample opportunity to debate and offer germane amendments that they feel will improve the bill. Or, perhaps through the motion to recommit, the bill's opponents will choose to make their views known. The point is, this rule gives them that option.

As one of my Democratic colleagues on the Committee on Rules pointed out last night, this issue has been around for a long time. And to be fair to the States involved, the underlying bill deserves to be debated in this body and receive an up-or-down vote.

□ 1415

Therefore, I encourage my colleagues to support the open rule before us so

that the House can move forward and debate the merits of the underlying legislation. I urge a "yes" vote on this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the time.

This is an open rule. It will allow full and fair debate on H.R. 629, which is the Texas Low Level Radioactive Waste Disposal Compact Consent Act. The bill approves an agreement between the States of Texas, Maine, and Vermont to establish a disposal facility in Texas for low level radioactive waste. Under this rule amendments will be allowed under the 5-minute rule, the normal amending process in the House.

The Texas Low Level Radioactive Waste Disposal Compact has supporters and opponents among the Members of the House, as does the bill. However, all Members on both sides of the aisle will have the opportunity to offer amendments under this open rule. And because it is an open rule, and because 2 years ago when the House took up an identical bill, we also had an open rule that was approved by voice vote, Mr. Speaker, I would urge adoption of this resolution, which is an open rule before us today.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me the time. I rise in support of the rule. As has been pointed out by majority and minority members of the Committee on Rules, this is an open rule.

The Commerce Clause of the Constitution gives the Congress the right to regulate interstate commerce between the States. The States of Texas, Vermont, and Maine have chosen to form a compact as a result of the Low Level Nuclear Waste Act and the amendments back in 1985. If ratified and signed by the President, this act would give those States the right to ship their low level radioactive nuclear waste to a site in Texas that is unspecified in the bill.

There are some opponents. The gentleman from San Antonio who represents the congressional district, the gentleman from Texas [Mr. BONILLA] is here and does oppose this site that apparently is going to be chosen.

This bill deserves to be debated on the floor. It was debated on the floor in the 104th Congress and passed with 243 in the affirmative and 176 in the negative. It did not go to the Senate because it was on the suspension calendar and it failed to get the two-thirds vote.

We are not on the suspension calendar this afternoon. We have an open rule so that any Member can offer amendments to the bill. I would hope that the rule itself will be non-controversial and that we can pass it

by unanimous consent and then get into the actual debate of the bill. I rise in support of the rule and hope that all Members will support it.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I rise today to support this rule on H.R. 629, the bill to give congressional consent to the Texas Low Level Radioactive Waste Disposal Compact.

The Committee on Rules has recommended an open rule for allowing for 1 hour of general debate. I fully expect a vigorous discussion of the compact. I look forward to that debate and to answering any questions that may arise.

This compact is important for Vermont. It is important for Texas. And it is important for Maine. This would be the 10th compact that Congress has ratified since 1985, when Congress enacted the low level radioactive waste disposal policy. Congress gave the States a mandate, an unfunded one, I might add, to develop methods for managing low level waste. The three States have diligently complied with that mandate. The Governors and legislatures of Vermont and Texas have approved the compact. The Governor, the legislature, and the people of Maine have approved the compact. I urge Members to support the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I thank my friend, the gentlewoman from Ohio [Ms. PRYCE] for yielding the time to me.

There is no Member of Congress that is more engaged or focused on this issue today than myself, Mr. Speaker. I rise in opposition to the rule and the bill. I will be getting into more details during general debate as to the reasons why we should defeat this bill.

This is a clear case of constituents in my area being victimized without having a say in where this low level radioactive waste dump site is going to be constructed. This is a country that I have grown up in always understanding that if something is going to happen in a person's neighborhood, it ought to be with their approval or at least they have some kind of input in the process. That is not the case at all.

We have been debating and arguing about this issue for so many years now. It has finally come to a head here where the proponents have worked very hard to try to turn Members around to vote differently than they did the last time this came to the floor. That is why I am working hard today to oppose the rule and the bill.

I do commend members of the Committee on Rules and the gentleman from New York [Mr. SOLOMON] for providing an open rule. It is the fairest kind of rule that we can have. But my

point is that this bill should not even be before us today. That is why I will be opposing the rule and opposing the bill after we finish the vote on this rule.

I look at, this is just a handful of the petitions that have been signed by men, women, and children in my congressional district. Up to a dozen counties and towns have already expressed their strong opposition to this dump site. Again, it is a sparsely populated area in west Texas, part of the area that I represent that spans 58,000 square miles. People out there are entitled to their constitutional rights, to their property rights. They should not be victimized by just being told this has to be built in their backyard, and we are going to fight hard to defeat this rule and bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, to set the record correct at the beginning, this is a bad idea that has been defeated by a majority of this House once in the last Congress. I believe my colleague, the gentleman from Texas [Mr. BARTON], got it backward on the result. There were 176 Members of this Congress that said they wanted to dump radioactive waste on Texas and the district of the gentleman from Texas [Mr. BONILLA], and there were 243 of us that said we do not want to be the Lone Star dump, and the bill was defeated.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I just want to say, the gentleman is correct. I did have it backward. The gentleman from Austin, TX is correct on the numbers.

Mr. DOGGETT. Mr. Speaker, that is the first concession by an Aggie to a Longhorn in this body in a long time. I appreciate it.

This bad idea has been defeated once on the floor of this Congress and the question is, should we reconsider today and decide that the last Congress was wrong and that it is time to dump radioactive waste on Texas? In Texas we have a very short answer to that. Don't mess with Texas. We find it on pickup trucks and Cadillacs and Fords and Volkswagens all over the State of Texas. That is exactly what is being proposed here today, messing with Texas.

We are pretty proud down there in the Lone Star State of the fact that we have a lone star as a symbol of our independence as Texans. But, by golly, we do not want the Lone Star State turned into the lone dump State, and that is what is about to happen if this bill is approved.

Lest anyone think this is just a Texas issue, let me emphasize that of late, since the vote in the last Congress, and there are of course not 243 Texans here, that since the vote in the last Congress even some of the Yankees

who are in this compact have come to the conclusion that dumping on Texas is a pretty lousy idea. Indeed, within the last week the largest contributor of nuclear waste to this dump, up in Maine, appropriately titled the Maine Yankee nuclear power plant, has written to Speaker GINGRICH and to various Members of this Congress saying do not do it. They recognize that it is going actually to cost citizens in Maine more money, not less money, if this compact is approved.

I think that it is a bad idea, not only for Texans but for those in the compact at the other end of the country in New England, those served by the Maine Yankee nuclear power plant and by anyone who sits in between New England and west Texas that might have this nuclear waste shipped through their area.

This compact has been lobbied through the Texas legislature by some of the most high-powered lobbyists around. They lobbied the legislature of Texas to accept this compact on the grounds that it would protect Texas, and that Texas would be teamed up with two little States way up in New England that probably could not generate very much waste to be dumped there, and we would be a lot better off there than being teamed up with some State like New York or Massachusetts or California that might send a whole lot of waste down to Texas.

There is only one problem with that reasoning. This is not a Texas-Vermont-Maine compact. It is mislabeled. It is a Texas-Vermont-Maine compact plus any other State that a group of appointed, unelected commissioners, accountable to no one but themselves, may choose to add to the compact.

In fact, the economics of this compact are going to cause exactly the opposite result of what those who promoted the compact told the Texas legislature and the people of Texas. This compact could be expanded to include waste from anywhere, of any type, at any time that this group of unelected compact commissioners decides that they want to dump it on the district of the gentleman from Texas [Mr. BONILLA]. That waste does not have to be approved by people in Sierra Blanca, TX, or anywhere else.

It is a bad idea. Don't mess with Texas or any place in between.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, it is with some trepidation I follow my colleague from Texas because obviously, let me correct something, I was in the legislature in 1991 when the legislature passed the compact enabling legislation, again, to limit the ability as the Federal Government and this Congress al-

lowed States to limit their access for waste, Texas, Maine, and Vermont.

Now, granted, some future legislature, I do not know if it is appointed officials but the legislature in Texas decides to appoint officials, they could delegate that authority, but that is just not the case. The legislature in Texas, after studying it, adopted this site in west Texas. It was not picked by Washington. It was not even picked by those of us who served in the 1991 legislative session because all we did was enable the legislature to do that, to do the study.

Granted, nobody wants waste, particularly low level, but we have to have a place for it. The compact allows Texas, Maine, and Vermont to work together to have that site. That site was picked in Hudspeth County. We did not pick that site in Congress. The local folks in Texas did that, and the legislature actually ultimately did. That is the best reason why this ought to be passed today. We are not going to debate the site. Sure, I would rather have the site in Maine or Vermont but Texas agreed to do it by those local officials.

This is just an affirmation of the compact that this Congress allowed for low level. We are going to hear a lot today, not only on this rule. It is an open rule. We will hear a lot about transportation, a lot about the site in west Texas. Again, it is away from an urban area. The closest urban area is El Paso.

This is the best of a bad world, but we have to have a place to put this low level waste. This is, again, the local decision by the State of Texas to do that. That is why 23 of the Members from Texas are supporting this bill, this rule and this bill today. We will hear a great deal more as we go into the full debate.

That is why I am proud to be a cosponsor of the bill. I have for a number of years because we have to have a reasonable place to put it. We cannot just deny it and let it be out there in limbo, having this warehoused on sites, whether it be hospitals or whether it be on power plant facilities. We have to have a permanent solution for it, someplace where we can put it together safely instead of having it in storage facilities behind hospitals, in urban areas. That is not possible.

We are going to hear the concern about the transportation, whether it be from my colleagues in Dallas or in Houston. I represent an urban area. We have more volatile substances on our freeways right now in Houston than this low level waste. So I would hope that the Congress, after considering this bill today, would pass it favorably so we can have a compact between Texas, Maine, and Vermont to have a reasonable place for our low level waste.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SAM JOHNSON].

□ 1430

Mr. SAM JOHNSON of Texas. Mr. Speaker, I just wanted to second what

my colleague in the Texas legislature and here, the gentleman from Texas [Mr. GREEN], has said. It was a Texas decision. It was made by the Texas legislature. I was there with him when that decision was made. Texas made the decision to have a compact and Texas deserves to have the Congress affirm it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, 30 years ago the nuclear utility industry was telling Americans it would provide power that was too cheap to meter. Soon Americans found out it was power too expensive to use. Now we are told that we have power that is too hot to handle and power refuse that is too dangerous to store.

Mr. Speaker, I offer these comments in the context of the rule and the debate which will follow so that my colleagues can have the benefit of the experience that I had as a State Senator in Ohio who led the effort against the siting of a multistate radioactive waste dump in the State of Ohio.

There was an effort to bring in waste from Iowa, Indiana, Wisconsin, Minnesota and Missouri, 2.25 cubic million feet of radioactive waste, into the State of Ohio. And in the course of examining this proposal, what we found out was this.

That the waste itself, called low-level, in fact exists for thousands of years. So the word "low-level" is a misnomer; and that inevitably the cost involved here will be passed on to consumers or taxpayers, as nuclear utilities will either not handle the cost or find ways for the States or the taxpayers of the States to absorb.

Furthermore, there is no known technology which can safely store this radioactive waste for more than 25 years. These casks which they are put in will deteriorate and crack and the waste will leach out into the outside environment. There is no way to prevent a release to the outside. We found this out through months and months of public hearings.

We found out that not only does the technology not exist but the Department of Energy itself will admit that the best they can do with these casks is to keep the radioactive waste for 25 years. We found out that there was no safe way to transport millions upon millions of cubic feet of radioactive waste across this country.

So let it not be said this is simply a State issue. This is a national issue, because the movement of radioactive waste, thousands upon thousands of miles, goes through our neighborhoods, through our communities, and our people are at risk when we have an unstable radioactive waste in containers that cannot always be safely affirmed.

Furthermore, there is no safe place to site radioactive waste. The fact of the matter is that there is a difference in the amount of risk that is out there. It is unsafe whether it is sited near

Lake Erie or near the Rio Grande. We need a national policy which puts the nuclear utilities on notice that they have to come up with the solution and they have to pay for it, not the taxpayers or the ratepayers.

The real question here is a public interest question of whether or not the nuclear utilities are going to be served or whether or not the public interest is going to be served. This is not an issue where the States can make this decision in a vacuum. The decision is made by this Congress and it affects the entirety of the United States.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Nevada, [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, we have heard from the proponents of this bill that Texas said "yes," but we have also heard that the local people where this nuclear waste will be stored said "no." We have also heard that people object to the transport of low-level nuclear waste.

Let us switch this argument just temporarily to low level versus high level, because those people who are going to be voting to put low-level nuclear waste in the State of Texas, their concerns on transport and the like should also be the same concerns when it comes to high-level nuclear waste, which will be coming to this floor in approximately 2 weeks.

Mr. Speaker, all those opposed to this bill should also be opposed to the high-level transport of nuclear waste, which is much more dangerous than the transport of low-level nuclear waste across this country. I would urge everyone to take a close look at both bills and to vote "no" on both bills.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an issue that we all need to look closely at and, obviously, there are many ways that we may view this. I think that we have an obligation to our hospitals, our research laboratories, and our universities to emphasize that this is low-level radioactive waste. It is trash-like material, some consisting of paper and plastics and construction materials that are contaminated with low levels of radioactive materials.

I need to assure and emphasize that the storing of these materials will be governed by Federal regulations, and that there is a life that will be tested as to the impact that these materials will have on the surrounding community.

But the most important point, because we are champions, those of us who have supported this compact, mind my colleagues, just a compact that is approved by Congress, that gives permission, the States have already engaged in a cooperative effort, but the real issue are the citizens, and the deci-

sion of where and how has not yet been decided. In fact, no site will be selected without public hearings that give concerned citizens the opportunity to express their views on the location of the facility, and the State of Texas should ensure, as they are, that these hearings will be held.

Environmental agencies will conduct the appropriate review and resolve environmental concerns in accordance with current law and regulations. No radioactive waste from States other than Texas, Maine and Vermont would be stored at the facility.

The real key is that we have to find solutions to these very difficult problems. We must relate those to the surrounding communities and we must be fair to the surrounding communities. At the same time, we must recognize the problems that our hospitals and research laboratories and universities are facing.

This is a rule that we should support and, finally, Mr. Speaker, we should support the final passage of this bill and work with local officials to ensure that the local citizens are protected. I would ask my colleagues to support this legislation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I just want to refocus the debate. We are debating an open rule. We are debating an open rule, where any Member can come before the Chamber and offer an amendment germane to the bill. So we should support the open rule.

On some of the other issues that have been raised, this is low-level nuclear radioactive waste, not high-level. The gentleman from Ohio, who talked about regulating the transportation of these wastes, this does not do anything with transportation. It simply gives, under the commerce clause of the Constitution, the rights of the States of Texas, Vermont and Maine to have a compact.

In regard to that, if they do not ratify the compact, any State can transport its low-level nuclear waste to Texas. Ohio was in a compact with Indiana, Iowa, Minnesota, Missouri and Wisconsin, for example.

So I hope we will vote for the open rule, have a debate on whether the States should have a right to have a compact, and then have the vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the rule.

I find it ironic that there are a number of my fellow Texans that are fighting for this rule and fighting for this bill. If it is such a good deal, why do they not put it in their district?

We must prevent this bill from becoming law and we can do that by voting against the rule and sending this

bill back where it came from. By defeating the rule we can send a very clear message that it is bad public policy to dump radioactive waste in communities that are primarily populated by minorities.

By defeating the rule we can keep our word to the Mexican Government under which we signed the 1983 La Paz agreement.

By defeating this rule we can prevent radioactive waste from being transported through 12 States and more than 2,000 miles to be dumped on a small community in far west Texas.

By defeating this rule we can do what the Maine Yankee Nuclear Power Reactor wants us to do, and that is not to pass this compact.

I urge all of my colleagues to defeat this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the rule and in strong support of the legislation.

It seems to me that we have two issues that we are discussing. The first is process. And in terms of process, what the Members should understand is that we have three State legislatures, Texas, Vermont and Maine, which overwhelmingly voted to enter this compact. We have three Governors, and I might add one is a Republican, one is a Democrat, and one is an Independent, who today strongly support going forward with the compact. We have six U.S. Senators from Texas, Maine and Vermont strongly in support of the compact. We have the two Members from Maine, the entire Vermont delegation, me, in support of the compact. I know that will carry a lot of weight. We are undivided on this issue, and we have two-thirds of the Texas House delegation in support of this compact.

So for those Members who believe in devolution, in giving power to the States, it seems to me we should treat this compact in the same way we have treated 9 other compacts involving 41 States. Texas, Maine and Vermont want to be treated the same way as 41 other States have been treated.

The second issue, and actually the more important issue, has to do with good environmental policy. I happen to believe that passage of this amendment makes absolute environmental sense. The evidence is very, very strong that the geology of Vermont and Maine is such that it would be a serious environmental problem if we continued to keep the waste in those States.

The real issue, I must tell my colleagues, and I say this as an opponent of nuclear power, if I had my way, we would close down every nuclear power plant in this country as soon as we could, safely, but the problem is we have low-level waste. And to turn our backs on that problem and ignore that problem and to say that it will go away is wrong.

The environmental debate today should be what is the safest way of disposing of low-level radioactive waste, and I would argue strongly that the passage of this legislation and depositing it in a safer location in Texas is the direction that we should go.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise today of course in strong support of this rule. The Texas low-level waste compact is a very simple and straightforward piece of legislation. It is not all as strange as has been made out here. It simply seeks approval of an agreement between three States, Texas, Maine and Vermont, on the management of States' low-level waste.

It is important, I think, to note, because it has been brought up by so many of the speakers, that opponents raise issues that cannot be addressed in H.R. 629, such as location. This is not a place to address location. Geological and environmental review are by law designated to the State jurisdiction.

In Texas, the review process has been closely scrutinized by the Texas Natural Resources Conservation Commission, the EPA of the State of Texas, the State held town hall meetings, open debate on the floor of the Texas legislature, and intense negotiation by State leaders.

I agree with the gentleman from Texas [Mr. DOGGETT] when he says, "Don't mess with Texas." Don't mess with Texas. Don't mess with the legislature of Texas that has already decided this thing. Don't mess with Bulloch, who herded it through the State Senate. Don't mess with Speaker Laney, who herded it through the house. Don't mess with the Governors of these three States. Don't mess with the TNN-RCC. Don't mess with the town hall meetings.

□ 1445

I think this has been decided at the State level. Nothing in this compact agreement designates where in the State of Texas the site is going to be located. As a matter of fact, it is in absolutely no way site specific. The location and regulation of the site are solely State issues left up to the whole State, which in this case is Texas.

By approving this compact, Texas will be required to accept waste only from Maine and Vermont. And without a compact, I say to the others from Texas, we can find ourselves having to accept waste from any number of States.

So never before has Congress rejected a low-level waste compact. I strongly urge my colleagues to honor the good-faith agreements between Texas, Maine, and Vermont by supporting this rule and by supporting the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me remind my colleagues that we are here debating a completely open rule providing for the consideration of H.R. 629. It does not get any fairer than that around here. Whether or not my colleagues support the Texas compact, which is the issue dealt with by the underlying legislation, the rule itself is eminently fair, both opponents and proponents. Therefore, I once again strongly urge my colleagues to support this open rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 258 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 629.

□ 1447

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Colorado, Mr. DAN SCHAEFER and the gentleman from Texas, Mr. HALL, each will control 30 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, would grant the consent of Congress to the low-level radioactive waste disposal agreement reached between the States of Texas, Maine, and Vermont.

When Congress passed the Low-level Radioactive Waste Policy Act in 1980, it was a part of a broader agreement whereby the States are responsible for the disposal of low-level radioactive waste while the Federal Government is responsible for high-level waste disposal.

Since the 1980 act was passed, 41 States, as has been stated before, have received the consent of Congress for disposal compacts. Low-level radioactive waste includes a host of materials, from medical isotopes, to university research wastes, to the industrial

waste generated at nuclear power plants.

The vast majority of these wastes do not even require the use of special containers to protect against threats to human health. In most cases, the radioactivity in these materials will decay to the point where there is no significant risk to human health after about 100 years.

With the decision to put low-level waste responsibilities at the State level, the obligations of the Federal Government are fairly limited. Clearly and certainly, it is our responsibility to ensure that the compacts comply with the Federal Low-level Waste Act.

During our consideration of H.R. 629 in the Committee on Commerce, it was clear that the compact meets this test. The State legislatures and Governors of Texas, Maine, and Vermont have met their obligation under the Low-level Radioactive Waste Policy Act. It is now our responsibility to support the States in this decision.

I want to thank the gentleman from Texas [Mr. BARTON] and certainly the gentleman from Ohio [Mr. HALL], ranking member on the Subcommittee on Energy and Power, the sponsors of this legislation, for their very strong leadership and capable effort in moving the bill to this point. I strongly support H.R. 629 and encourage its adoption by the full House.

Mr. HALL of Texas. Mr. Chairman, I ask unanimous consent to yield 15 minutes to the gentleman from Texas [Mr. BONILLA] and and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Chairman, I thank the gentleman from Texas [Mr. BONILLA] for yielding me the time.

Mr. Chairman, I rise today to oppose H.R. 629, which will allow radioactive waste to be dumped in the far west community of Sierra Blanca.

There are many reasons to vote against this bill. First, it violates the 1983 La Paz agreement between Mexico and the United States. This agreement directs both Governments to adopt appropriate measures to prevent and eliminate sources of pollution within a 60-mile radius of the border.

The State of Texas asserts that they must merely inform the Government of Mexico. But many people disagree. There is widespread objection to this site at all levels of the Mexican Government. The Mexican State of Chihuahua, which adjoins the proposed site, opposes the Sierra Blanca site. The Embassy of Mexico expressed deep concerns about the proposed site.

The chairman of the Mexican Senate's Committee on the Environment has written his American counterpart to object. The city councils of El Paso and Juarez have both issued a position

statement in strong opposition to the site.

But if that is not compelling enough argument against this bill, there are others. If H.R. 629 passes, radioactive waste from Maine and Vermont will travel through the States of Massachusetts, New Hampshire, Connecticut, New York, Pennsylvania, Maryland, West Virginia, Virginia, Tennessee, Arkansas, and all the way across the State of Texas until it gets dumped into the community of Sierra Blanca and far west Texas.

Who would want radioactive waste shipped through their district? I do not, and neither should my colleagues. If my colleagues are still not convinced, there is more. How about the fact that this site is earthquake prone? Supporters of H.R. 629 are so concerned about that that they felt it necessary to send out a "Dear Colleague" trying to explain why we should put radioactive waste there anyway.

Or how about the fact that this waste remains active for literally thousands of years, low level? You decide. How will that affect the water table in west Texas? I do not think we need to draw a picture up to that one.

If my colleagues need another reason to vote against this bill, last week the public affairs director of the Maine Yankee nuclear power reactor said, and I quote this, "The Texas compact no longer makes economic sense for Maine Yankee ratepayers."

If the company that wants to dump its radioactive waste on the constituents of the district of the gentleman from Texas [Mr. BONILLA] does not support the compact, why should we?

Supporters of H.R. 629 will tell us that this bill does not endorse a specific site in Texas. The fact is that the Texas Legislature has already identified Sierra Blanca as a site for this dump, and a vote for H.R. 629 is a vote to support this site. This is the same legislation that was overwhelmingly defeated in the 104th Congress. But here we are again, fighting again to keep this Congress from dumping on the people of west Texas.

There have been reports to my office that supporters of this bill have said that no one lives where they want to put this dump. Representatives from the nuclear power districts of east Texas, 800 miles and 14 hours from Sierra Blanca, and from the States of Vermont and Maine, over 2,000 miles away, are the major proponents of the dump, and they have erroneously claimed that citizens of Sierra Blanca support this compact. They do not, and neither should my colleagues.

Supporters of this bill want to dump radioactive waste on the communities that are primarily populated by low-income minorities. Do my colleagues think we would be on this floor today debating this bill if the dump site were going to be at Lake Tahoe or Monterey, CA, or Newport, RI, or Martha's Vineyard? Of course not.

The Hispanic Caucus is unanimous in its opposition to this bill. Last week,

we sent a letter to the Speaker asking him to stop this bill from coming to this floor. Obviously, he chose not to do that. Do my colleagues think this bill would be on the floor if the dump were going to be in Marietta, GA? Obviously not.

The Texas State Conference of the NAACP also passed a resolution in opposition to this compact.

I have only been a Member of this Congress for 9 months, Mr. Chairman, but I know a bad bill when I see one. If my colleagues think it is OK to dump radioactive waste in communities where 75 percent of the people are Hispanic, then they should risk on voting for this bill. But if they agree with me that my constituents and the constituents of the gentleman from Texas [Mr. BONILLA] are as important as theirs and a life on the border is worth as much as a life away from the border, then they should vote on this bill. Send a message to the corporate CEO's who think they can dump their waste on my constituents and on the constituents of the gentleman from Texas [Mr. BONILLA] halfway across the country. And that is not OK to do that.

I urge all my colleagues to consider those facts and vote "no" on H.R. 629.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

(Ms. EDDIE BERNICE JOHNSON asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am changing sides on this issue. I was in the Texas Senate when they debated this in Texas. One thing I have come to realize, we have got to identify some place to put this low-level waste. It is much more dangerous to have it scattered everywhere, behind every hospital, behind doctors' offices, and all over the place.

We do not know exactly where it will be in Texas. That will be a Texas decision. But many local citizens have come to my office and pleaded to allow it to happen, because without this legislation, it is going on now and it can come from anywhere and everywhere. With this legislation, it is limited to Vermont and Maine, small States, cannot have too much to dump there.

The one thing we have to understand in this country is that we utilize many medicines and many other elements to promote human life and health that are dangerous in storage. We have to store it somewhere, and we are trying to pick the least populous areas to store it.

These areas under discussion are the least populous areas in the country. If I thought for a moment that it would subject local citizens to a worse status of health and danger than what they are now, I would not be standing here asking my colleagues to support this measure. I know that it will not.

These will be under the most safe conditions that we can provide with



rules to operate. Without rules to operate, it can very well be and continue to be very dangerous, because when we have these in our most populous urban areas and we talk about environmental justice, this is one way that we can protect environmental justice, by picking areas and using just those.

□ 1500

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the sponsor of the bill, the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Colorado, Mr. DAN SCHAEFER, for yielding me this time.

Mr. Chairman, I want to reiterate that we are here this afternoon debating whether three States of the United States have the right to enter into an interstate compact. The Constitution of the United States says they have that right, the Governors of the three States say they have that right, the legislatures of the three States say they have that right, and I would point out that 41 other States of the Union have entered into such State compacts.

We are not here to debate whether the site that is probably going to be selected in Texas is the appropriate site; we are not here to debate whether there are some overriding socioeconomic issues that may preclude this site being picked; we are simply here to say these three States have the same rights that all of the other States of the Union have.

Governors of the State of Texas, both Democrat and Republican, Governor Bush, the Republican Governor today, Governor Ann Richards, the prior Governor, have supported this compact. It was defeated on the House floor in the last Congress on the suspension calendar, which is why we are coming today to the floor on a nonsuspension calendar.

I do want to try to address some of the issues that have been raised so far in the debate. The gentleman from El Paso pointed out that earthquakes may be a problem. I would like to point out, if we want to be site-specific, that this is in an earthquake zone that has not had an earthquake in recorded history. There is no geological fault under the site, but if there is, the site has been designed to withstand an earthquake of a magnitude of 6.0 on the Richter scale directly under the site.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, is the gentleman aware that there have been two tremors in the last 4 years, and sometimes in parts of the country where there have not historically been earthquakes, these tremors can be a sign of something that is ahead?

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct, there

have been tremors, but my understanding is that there have not been tremors in this area. Even if there were, the largest earthquake that has ever been recorded in Texas history is 6.4 on the Richter scale. This site could withstand an earthquake of 6.0 on the Richter scale directly under the site.

According to the study that has been done, any seismic activity anywhere close to Hudspeth County has been active from 750 years to 12 million years. The halflife radioactivity of low-level nuclear waste that is going to be transported and stored here is less than 100 years, and 85 percent of it has a halflife of less than 10 years.

Now, the gentleman from El Paso also talked about it is in violation of the La Paz agreement. It is not in violation of the La Paz agreement. The La Paz agreement says that the United States and Mexico should consult on these issues. We have consulted with the national government and with the local governments. The EPA and the State Department as late as July of this year have said there is no violation of any international agreement in this compact that is pending before us today.

There have also been concerns expressed about the facts that this has been located in a dominant Hispanic area. That is a true statement. The population of Hudspeth County is 66 percent Hispanic. I would point out that of the 10 sites that were considered, there were a number of them that had a higher ethnicity of Hispanic population. The three variables that were used, though, were not ethnicity. They were rainfall, this has the lowest rainfall; population density, this is right at one-half of a person per square mile, which is the second lowest density, and there are a total of less than 3,000 people in the county. So this has the lowest rainfall, one of the lowest population densities, and there have been no earthquakes in recorded history in this site.

There is support for this on this site in Texas. I include for the RECORD a letter from the county judge.

HUDSPETH COUNTY COURTHOUSE,  
Sierra Blanca, TX, July 23, 1996.

DEAR MEMBER OF CONGRESS: We are writing to encourage you to vote in favor of the Texas Low-Level Radioactive Waste Disposal Compact, H.R. 558 without amendment.

As officials from the community nearest to the proposed facility, our primary duty is to protect the health and safety of our citizens and of future generations. In fulfillment of this duty, we have invested substantial time and effort in examining technical reports and talking with state officials and others involved in identifying and investigating a location for a low-level radioactive waste disposal facility in our county.

We are convinced that the facility planned for the site is safe. This judgment is borne out by the "Environmental Safety Analysis" made by the state agency in charge of licensing the disposal facility in our state. That agency found that the site will not "pose an unacceptable risk to the public health" or cause "a long-term detrimental impact on the environment."

Far from causing problems for our community, the disposal facility will bring to our

area needed economic and social benefits. Hudspeth County has already received grants of over \$2 million for the State of Texas for use in community projects of our own choosing. When Congress consents to the Texas Compact, the county will receive an additional \$5 million in development funds from the states of Vermont and Maine. And, when the facility begins operation, the county will receive \$.8 million annually from its gross revenue—equal to more than one-third of the county's total annual budget. These funds are very much needed in our effort to raise the standard of living, education, and medical care system for residents of our county.

Fundamentally, where and how to site a commercial low-level radioactive waste disposal facility is a state and local issue. In July of this year, the State of Texas will convene a series of public hearings, several in our community, which will allow any member of the public to comment and raise questions about any aspect of the proposed facility and its location. This is where the decision on the location and safety of the disposal facility should be made—not in the halls of Congress thousands of miles away from our community.

We have heard that some members of Congress, at the urging of certain advocacy groups who do not represent our community, object to the location of the disposal facility based on the ethnic composition and the economic status of our county. We are the direct representatives of this ethnically diverse and economically underdeveloped community, and we are convinced that the facility will be safely built. In addition, in December 1995, approximately half of the adult population of Sierra Blanca signed a petition supporting Congressional consent for the Texas Compact.

By consenting to the Texas Compact, Congress will: eliminate the need for two low-level radioactive waste disposal sites in more populous, more humid northeast states; alleviate the need to store low-level radioactive waste of hundreds of generating locations in the three member states; approve a facility that the most directly affected citizens find both safe and beneficial; and ensure that the State of Texas and its partners in the Texas Compact will be able to control the amount of waste coming into a facility located in our community.

Please vote for S. 419 without amendment. Please contact us if you have any questions or would like more information.

Sincerely,

JAMES A. PEACE,  
County Judge.

Mr. REYES. Mr. Chairman, I yield 3 minutes to the gentleman from Austin, Texas [Mr. DOGGETT], a gentleman who has been involved in this issue since he has arrived in Congress in the right way.

Mr. DOGGETT. Mr. Chairman, my hometown of Austin, TX, is a mighty long way from Sierra Blanca, hundreds of miles, much further than traveling across the States of Vermont and Maine to reach this area of Texas. But I can tell my colleagues that there are literally thousands of people in central Texas that are greatly concerned about the idea that Texas would suddenly become the great dumping place for the Nation's toxic nuclear waste.

Mr. Chairman, there has been some suggestion that this is somehow low-level, and therefore, no risk. Nothing could be further from the truth. We are not talking about just a box full of hospital gloves. Indeed, it has been estimated that we could take all of the

medical waste in this country and all of the academic-generated waste, and it would be about 5 ten-thousandths of the waste that is going to be placed in this dump. Ninety percent of it comes from nuclear powerplants. That is one of the reasons it is so significant that the Maine Yankee Nuclear Power Plant, the largest generator of waste from the State of Maine, now says it is a bad idea, that it is going to cost the ratepayers of Maine tens of millions of dollars if this compact is approved.

Indeed, the type of waste that is involved here, I do not see anything in the compact limiting it to a mere 100 years, as one of the last speakers said, although my guess is that for most folks around here, just 100 years of dangerous toxic radioactive nuclear waste is a mighty long time. In fact, it is more than a lifetime.

But the type of waste that can be placed in this dump includes tritium, which has a halflife of 12 years and a hazardous life of 120 to 240 years, and iodine 129, which has a halflife of 16 million years and a hazardous life of hundreds of millions of years.

It is because of the gravity of this situation that the Austin City Council went on record unanimously opposed to this dump. It is the same thing that was done by 18 county governments in Texas and by 9 Texas cities. Most recently, this past weekend the Texas Conference of the NAACP went on record against the location of this dump, and more Texans, as they learn about this, are saying, do not allow Texas to become the Nation's dumping ground.

Much has been said to the effect that this has nothing to do with the specific site. It has nothing to do with the specific site unless one happens to live in Sierra Blanca, because Sierra Blanca has already been designated. After elimination of more politically sensitive sites, it has been designated, after having been rejected on geological grounds, it has been selected as the most politically palatable place within the State of Texas to place this particular dump.

There are more than a few problems at this site, and that is probably why it was rejected initially in the State of Texas: earthquakes, seepage, closeness to the Mexican border. Can my colleagues imagine what would happen if Mexico proposed to locate a radioactive waste dump 16 miles from our border? There would be outrage, and there should be over this proposal.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], the deputy whip.

Mr. EDWARDS. Mr. Chairman, I rise in support of the Texas compact. If this were an issue that only affected the districts of my friend, the gentleman from Texas [Mr. BONILLA] or my friend, the gentleman from Texas [Mr. REYES], both of whom I greatly respect, then I would in no way want to involve myself in this fight.

This issue is more than that. It affects the citizens, all the citizens, of

three States in this Union: Texas, Vermont, and Maine. It is on behalf of those citizens that I wish to speak today.

The fact is that 9 other compacts have passed this Congress affecting 41 States. This is not a new issue before this Congress. Since this compact most directly affects those citizens in those three States, I think it is fair to ask the position of those States' political leaders. All six U.S. Senators from the three States support this compact, all three Governors, the vast majority of U.S. House Members from the three States support it.

As a Texan I can say not only has the Texas Legislature overwhelmingly approved this compact in 1993, but former Governor Ann Richards, a Democrat, supported this compact as Governor, as well as her successor, Republican Governor George W. Bush.

Mr. Chairman, I know and respect the fact that some people do not want any low-level nuclear waste or any waste put anywhere. In a dream world, frankly, that would be my position. But in the real world, as long as we can save Americans' lives using x rays in hospitals, and yes, as long as we have nuclear powerplants, there will be low-level nuclear waste. The question is not will we put it somewhere; the question is where.

My contention is that if the State of Texas through its Governor, its legislature, its two U.S. Senators and a vast majority of its U.S. House Members support a low-level site in Texas, it seems that other Members of this House would at least lend weight to that position. Those of us who live in Texas have no intention of locating an unsafe depository of low-level waste in our home State. We live there. The fact is, this is not a free choice. If we do not pass this compact, we are going to have threatening waste and unsafe conditions all across these three States. For those reasons, I urge support of this compact.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Texas [Mr. BARTON], if that is all right.

Mr. BARTON of Texas. Mr. Chairman, I would be happy to engage in a quality colloquy with the gentleman from Maine.

Mr. BALDACCI. Mr. Chairman, owners of the sole nuclear plant in Maine this summer decided to shut it down 10 years ahead of schedule. Events in Maine relating to the compact have taken a dramatic and unexpected turn recently. I thank the gentleman for the opportunity to clarify some of the concerns that have been expressed.

My first issue concerns the heightened interest in the ability of compact member States to responsibly dispose of low-level waste generated in their States before completion of the Texas facility. I ask the gentleman if it is his

understanding and intent that pursuant to an agreement by the Governors of Maine, Vermont, and Texas, each State can continue to ship waste to sites outside of the host State until the Texas facility is open and accepting low-level waste?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct. This interpretation and expectation have been articulated by the Governors of the three party States. It is our intent that generators in the gentleman's State and in any other of the compact States will be allowed to send low-level radioactive decommissioning waste to a non-compact site before the host site is ready. In fact, States in other compacts currently ship their waste to sites outside the host State while the siting process continues.

Mr. BALDACCI. I thank the gentleman for that clarification.

My second concern relates to the disposal of oversized pieces of low-level radioactive waste created during the dismantling of a nuclear powerplant. What provisions will be made to assure that when a facility opens in the host State, section 4.01 of the compact will be fully implemented?

Mr. BARTON of Texas. Mr. Chairman, if the gentleman will yield, I have been assured that the Texas Low-Level Radioactive Waste Disposal Authority will pursue the acquisition of the necessary licenses concurrent with the site licensing process. It is our intent that when the facility opens, it will be in possession of all of the licenses needed to operate, including those for the disposal of oversized low-level waste.

Mr. BALDACCI. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in strong support of H.R. 629, with those concerns being addressed. Experience has taught us all just how difficult waste management issues can become, and none is more difficult than those involving radioactive waste.

I would like to remind my colleagues that have been speaking in opposition that their State does generate this waste and their State does need a place to be able to place this waste. The concern that has been raised by Maine Yankee Power Plant has to do with the dramatic turn of events and whether the economies make sense, since there will be a closing, decommissioning, and dismantling of the plant. Maine is in favor of this, the elected representatives of Maine are in favor of this, the Governor of the State of Maine is in favor of this, and this is an insurance policy for the right environmental safeguards for the disposal of this waste.

It is very important to understand that the compact under consideration contains real and significant advantages for all three States. With this compact, Texas will be able to limit



the amount of low-level radioactive waste coming into its facility from out-of-State sources. Maine and Vermont together produce a fraction of what is generated in Texas, and for Maine and Vermont, the compact relieves either State from the need to develop its own facility. Given the relatively small amount of waste produced in Maine, developing such a facility will be a disproportionate expense.

These benefits are among the reasons that the compact received overwhelming support from the Governors and the legislatures in all three States. We should now act to approve H.R. 629, without amendments. It represents the States' best efforts linked to comply with a Federal mandate, an unfunded Federal mandate, not directly linked to the development of any specific site in Texas. It contains major benefits for all three States.

I also have the letter that has been signed by all three Governors, Governor Bush, Governor Dean, and Governor King from Maine, and I enter it into the RECORD at this time.

STATE OF MAINE,  
OFFICE OF THE GOVERNOR,  
Augusta, ME, September 22, 1997.

Hon. GEORGE W. BUSH,  
Governor, State of Texas, Austin, TX.  
Hon. HOWARD DEAN, M.D.,

Governor, State of Vermont, Montpelier, VT.

DEAR GOVERNORS BUSH AND DEAN: As you know, the State of Maine has been forced to review the feasibility of the Texas Low-Level Radioactive Waste Disposal Compact with the State of Maine and Vermont ("Texas Compact") now pending in Congress. Our review has been prompted by the unexpected development of the premature closing of the Maine Yankee electronic generation nuclear facility located in Wiscasset, Maine and the fact that the shipment of decommissioning waste will commence next year, ten years prior to the timeframe upon which the Compact was based.

It continues to be the strong preference of Maine to proceed with the Texas Compact as currently drafted, and to fulfill our obligations under that agreement. However, these unexpected developments place Maine at risk of duplicative expenditures for low-level nuclear waste disposal in the following three areas.

First, we have been forced to recognize the possibility that as Maine Yankee's decommissioning proceeds, the only available disposal facility licensed to accept major portions of the waste stream is the facility at Barnwell, South Carolina, to which generations in Maine, Vermont and Texas can currently send low level radioactive waste. However, upon ratification of the Compact agreement, the Texas Compact Commission will acquire the authority under Section 3.05(7) to disapprove shipments by waste generators in any of the three States to the Barnwell facility. Such an outcome could impose substantial costs, unnecessarily, or Maine Yankee and the Maine citizens who are paying for decommissioning.

Second, our obligation to make payments totaling twenty-five million dollars to the State of Texas under Section 5.01 of the Compact is unconditional, as long as Maine remains a member of the Compact, even if substantial portions of Maine Yankee's waste stream are ultimately disposed of in South Carolina. This places Maine citizens at risk of not getting the benefit of their bargain with Texas and Vermont, in the absence of any equitable adjustments in Maine's monetary obligations under the Compact.

Third, while the Texas facility has applied for discretion in the size or form of shipments that are accepted for final disposal, the proposed facility is presently unable to guarantee acceptance of oversize decommissioning waste components, intact or in large sections, as required under Section 4.01 of the Compact pertaining to disposal of all decommissioning waste in the Compact region. A failure to provide disposal capacity for this portion of the decommissioning waste stream in a timely manner at the Texas facility could compel Maine Yankee to dispose of waste at another licensed facility, causing duplicative costs.

With these aspects of our dilemma in mind, we request the following clarifications of intent, that we believe are fully consistent with the intent and letter of the Compact, but require affirmative action by the Texas Compact Commission to implement. These include the following three items:

1. The Compact agreement currently requires that there be no discrimination in prices charged to generators in Maine and Vermont compared with Texas at Section 4.04(4). It is consistent to also assure that there will be no discrimination between host and non-host generators regarding access by Compact States to disposal facilities outside of Texas. For this reason, appointees to the Texas Compact Commission should endorse a principle of non-discriminatory access by generators in all Compact States to disposal facilities outside of Texas. It is critical to effective implementation of this principle that final appointments to the Compact Commission and timely review of any petition under Section 3.05(7) occur as expeditiously as possible.

2. There is a realistic risk that Maine citizens could be compelled to pay twice for the disposal of Maine Yankee's decommissioning waste, in the form of up-front payment of construction costs for the Texas facility as well as the disposal fees charged by Barnwell for actual disposal. In consideration of this risk, the State of Texas agrees to undertake reasonable efforts in good faith to mitigate this problem in consultation with the States of Maine and Vermont. Efforts to mitigate, or reduce the impact on Maine citizens of up-front payments for unused disposal capacity will require the consent of the Texas Compact Commission, which consent will not be unreasonably withheld.

3. In order to accommodate the projected decommissioning waste stream at Maine Yankee that may occur as early as 1998, the Texas Low-Level Radioactive Waste Disposal Authority must pursue as expeditiously as possible the licensing of all disposal shipments, specifically including the disposal of oversize decommissioning components. Until the Texas Natural Resource Conservation Commission approves such a permit application, the Texas facility will be unable to fulfill the requirement established at Section 4.01 of the Compact for disposal of all decommissioning waste located in the party states.

We are confident that you recognize that none of these requested actions involve a change in the language of the Compact, nor of the basic expectations of the three states that negotiated Compact in 1993. These three points of agreement merely clarify the mutual intent of the Governors for implementing the Compact in a manner that assures an equitable outcome for all three states.

Thank you for your gracious consideration of these vital issues for our States and our joint effort in Congress and in the years to come.

Sincerely,

ANGUS S. KING, JR.,  
Governor, State of Maine.

□ 1515

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. I believe this bill is vital to protecting our State from increasing amounts of out-of-State waste by entering into the compact.

By ratifying this agreement, Texas will receive added protection to stop other States from shipping their low-level radioactive waste into the State. Texas will maintain complete control over the disposal site. Only Texas will decide whether or not another State may join in the compact. Upon congressional ratification, Maine and Vermont shall contribute a total of \$25 million to Texas and another \$25 million due when the disposal facility begins operations.

Governor Bush, former Governor Ann Richards, and the Texas Legislature have overwhelmingly supported this compact. By entering into this compact, Texas can keep out-of-compact waste from entering the State. Currently 42 States have entered into these compacts to prevent further importation of out-of-State waste. Furthermore, this facility will provide for the safe disposal of radioactive materials from biomedical research conducted at the Nation's largest medical center, the Texas Medical Center in Houston, and from industrial and electric power generators in our State. I appreciate the concerns raised by the opponents, but the fact remains that something must be done about this waste.

I believe it is better for Texans and, in particular, the Texas Legislature to determine where to store such waste and whose to accept. Without this legislation, Texas would lose control over both the interstate and intrastate transfer of low-level radioactive waste, and I believe that would be far worse for our State's citizens.

Currently, my citizens live with the incineration of hazardous waste in their neighborhoods, and the EPA wants to increase the capacity of this incineration by importing PCB's from around the world. Without this compact, Texas could find itself in the same position as it relates to low-level radioactive waste, as the private sector seeks to import it from all over the Nation, rather than limiting the transfer to Maine and Vermont.

H.R. 629 should be passed without amendments because Texas, Maine, and Vermont spent years negotiating mutually acceptable terms of this agreement. Subsequently the legislatures and Governors of all three States approved identical compact legislation. Any amendments would require the three States to begin efforts anew.

I urge my colleagues to support this important piece of legislation.

Mr. BONILLA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. TORRES].

(Mr. TORRES asked and was given permission to revise and extend his remarks.)

Mr. TORRES. Mr. Chairman, I stand today here in opposition to H.R. 629. I simply cannot understand why we talk about various Governors of States, the State of Texas, its legislature, really underscoring and underlining and accepting what I seem to believe could be opening the door to further dumping. I am not sure I understand this limiting.

First of all, I think H.R. 629 violates a 1983 La Paz agreement between Mexico and the United States wherein they are prohibited both Governments from dumping 60 miles from the border. As we see this map here, this waste material, radioactive, is going to come all the way from Maine across Vermont, New Hampshire, down to Massachusetts, to New York, Pennsylvania, Maryland, West Virginia, Virginia, and all the way across down to Tennessee through Arkansas, through the State of Texas, and then finally settle down here in Sierra Blanca, radioactive material in the vicinity of a population numbered at some 700,000 people 20 miles from the border, from the river. This is against that treaty, Mr. Chairman. I do not see the sanity in opening up this kind of door for Texas.

I am not from Texas, I come from California. But we have had the same problems there. Our State is replete with the sight of waste dumps, toxic landfills, incinerators, you name it, in those communities of less resistance. Who are those communities? Usually the communities where minorities live, usually the east side of town, the other side of the tracks. That is what we talk about when we say environmental justice. We need environmental justice. I think this is environmental injustice. If Texas allows itself to open up the door to this kind of prevalent danger, I do not understand the facts here.

Why was this legislation defeated in the last session of Congress, the 104th Congress? I think I understand why the 104th Congress defeated this kind of measure. It is implicit, Mr. Chairman, as to the dangers, to the consequences of this.

Supporters of this bill want to dump radioactive waste on a community that is primarily minorities, again, here on the border, as if we do not have enough problems already on the border, on the river, with the kind of maquiladora dumping on the river, infesting all the way down to Brownsville.

Mr. Chairman, we do not need this kind of legislation. I urge my colleagues here to defeat it today very soundly, just like the 104th session of Congress did.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 629. Mr. Chairman, the Low-Level Radioactive Waste Policy Act and its 1985 amendments make commercial low-level radioactive waste disposal a State and not a Federal responsibility.

As we have heard, all that Texas and Maine and Vermont are asking for today is to be treated as 9 other compacts were treated affecting 41 States. This is not new business. We have done it 9 times, 41 States, and Texas, Maine, and Vermont ask us to do it today.

Mr. Chairman, let me touch for a moment upon the environmental aspects of this issue. Let me address it from the perspective of someone who is an opponent of nuclear power, who opposes the construction of power plants and, if he had his way, would shut down the existing nuclear power plants as quickly and as safely as we could.

One of the reasons that many of us oppose nuclear power plants is that when this technology was developed, there was not a lot of thought given as to how we dispose of the nuclear waste. Neither the industry nor the Government, in my view, did the right thing by allowing the construction of the plants and not figuring out how we get rid of the waste.

But the issue we are debating here today is not that issue. The reality, as others have already pointed out, is that the waste is here. We cannot wish it away. It exists in power plants in Maine and Vermont, it exists in hospitals, it is here.

The gentleman from Texas [Mr. REYES] a few moments ago said, "Who wants radioactive waste in their district?" I guess he is right. But do Members know what, by going forward with the nuclear power industry, that is what we have. So the real environmental issue here is not to wish it away, but to make the judgment, the important environmental judgment, as to what is the safest way of disposing of the nuclear waste that has been created. That is the environmental challenge that we face.

The strong environmental position should not be and cannot be to do nothing, and to put our heads in the sand and pretend that the problem does not exist. It would be nice if Texas had no low-level radioactive waste, or Vermont or Maine or any other State. That would be great. That is not the reality. The environmental challenge now is, given the reality that low-level radioactive waste exists, what is the safest way of disposing of that waste.

Leaving the radioactive waste at the site where it was produced, despite the fact that that site may be extremely unsafe in terms of long-term isolation of the waste and was never intended to be a long-term depository of low-level waste, is horrendous environmental policy. What sense is it to say that you have to keep the waste where it is now, even though that might be very environmentally damaging? That does not make any sense at all.

No reputable scientist or environmentalist believes that the geology of Vermont or Maine would be a good place for this waste. In the humid climate of Vermont and Maine, it is more likely that groundwater will come in contact with that waste and carry off radioactive elements to the accessible environment.

There is widespread scientific evidence to suggest, on the other hand, that locations in Texas, some of which receive less than 12 inches of rainfall a year, a region where the groundwater table is more than 700 feet below the surface, is a far better location for this waste.

This is not a political assertion, it is a geological and environmental reality. Furthermore, even if this compact is not approved, it is likely that Texas, which has a great deal of low-level radioactive waste, and we should make the point that 80 percent of the waste is coming from Texas, 10 percent from Vermont, 10 percent from Maine, the reality is that Texas will go forward with or without this compact in building a facility to dispose of their low-level radioactive waste.

If they do not have the compact, which gives them the legal right to deny low-level radioactive waste from coming from anyplace else in the country, it seems to me they will be in worse environmental shape than they are right now. Right now, with the compact, they can deal with the constitutional issue of limiting the kinds of waste they get.

From an environmental point of view, I urge strong support for this legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 4 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to begin by asking for a colloquy with the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I am glad to engage in another quality colloquy.

Mr. ALLEN. Mr. Chairman, if the gentleman from Texas [Mr. BARTON] can clarify one further point, it is my understanding that if the State of Maine suffers negative economic consequences owing to the circumstances of early closure of Maine Yankee, the Governors have agreed that the commission will use all good faith efforts to enable Maine to have such damages mitigated.

Mr. BARTON of Texas. Mr. Chairman, it is my understanding that the Governors of the gentleman's State and my State and Vermont have agreed that all reasonable good faith efforts would be executed by the State of Texas and the commission, if any such damages occur, to assist Maine in achieving such mitigation.

Mr. ALLEN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to say a couple of things. First of all, there is broad support within the State of Maine for this particular compact. In our State, not only has the Governor supported it, supported the compact and does support it; not only has it passed the State legislature; but it has passed a statewide referendum. People in Maine support this particular compact, even though, of course, as always, there is some opposition.

Mr. Chairman, we have been working for years to get to this particular point. Several speakers before me have mentioned Maine Yankee. Maine Yankee is in an unusual circumstance. Just recently, Maine Yankee closed down 10 years ahead of schedule. The President of Maine Yankee would not be doing his job if he did not look at the economic consequences and say, there may be some risks here that we did not anticipate.

There were some risks. The most important risk was this. What if the Texas facility is not built and not on line and not ready for Maine's decommissioning waste of Maine Yankee, and yet we cannot send it to Barnwell, SC, which is the only other site?

I believe, as a result of conversations with the Governor's office and with Maine Yankee and others over the last few days, that that risk is mitigated, and it is mitigated in particular by the undertaking of the Governors of the three States to work in good faith to solve those particular problems if and when they arise.

□ 1530

So I believe, I am convinced, that now the costs of this compact are in line with the costs of disposal of this waste in Barnwell, SC.

Let me say this. The gentleman from Vermont early on said there are two issues here. One is process. This has the broad support of people in Texas, Vermont, and Maine. But second, it makes good environmental policy. This is good environmental sense.

We cannot wish away low-level radioactive waste. It has to go somewhere. If it does not go somewhere and if it is not stored in a safe, secure site, then it is going to be distributed all over this country.

As a country, as we think about how we deal with low-level radioactive waste, and this is low-level, this is not spent nuclear fuel rods, this is low-level waste, we need to figure out how to dispose of it. We need to look for places where the geology is right, where the hydrology is right, where the population is sparse.

And although I am not involved in the choice of a particular site in Texas, I know that Maine has hydrological and geological problems that would make it a problem in our State.

It is vital as we go forward that there not be one site at Barnwell, SC, to deposit low-level radioactive waste. We

need to have two. It makes good economic sense, and it makes good, sound environmental policy.

So I would close simply by saying that I urge all of my colleagues to support this bill. It makes sense for people in Maine, Vermont, and Texas, and around the country.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I would like to point out that this property is State-owned property. We had a big discussion about that when I was in the State legislature. I know that the gentleman from Texas [Mr. GREEN] remembers that. And it was picked because of its location and because it was State-owned.

Mr. Chairman, after 30 years, 85 percent of the waste is nonradioactive. That is what we are talking about. We are talking about low-level waste. We are not talking about high-level waste.

The specific site is limited to 30 years, this place. And I would say to the gentleman from Texas [Mr. REYES] that at that location it takes 20,000 to 40,000 years for anything to seep down to the Rio Grande.

Also, I would ask the question about my colleague from California who has a compact but does not want this one. His State has got a compact with North Dakota, South Dakota, and Arizona. The gentleman had a big, long line that said transportation is a big problem. Guess what? California has not gotten their site ready yet, so where are they sending their waste? South Carolina, all the way across the country. If transportation is a problem, then California has got it.

Mr. Chairman, I would tell my colleagues, transportation is not a problem. Transportation has an excellent safety record for transportation of commercial low-level waste. During the last 20 years, there have only been four minor accidents and never been a radiologically related injury or death associated with a transportation accident of such waste.

For the past 20 years, they have been transporting this waste to South Carolina. Licensing, inspection, and enforcement regulations from the Federal Government ensure that transportation requirements are met. All waste coming into Texas is going to be dry, solid form, and they are going to have a tracking system to track the waste from the source of generation through disposal, accounting accurately for each part of it.

So I would suggest to the gentleman from Texas [Mr. DOGGETT], if he does not want Texas to have a compact, then any State can ship waste to Texas.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

[Mr. BONILLA asked and was given permission to revise and extend his remarks.]

Mr. BONILLA. Mr. Chairman, years ago when the country first started

learning about toxic waste, nuclear waste, radioactive waste, there were jokes that kind of circulated around the country that if one visited a nuclear plant or grew up in an area like Three Mile Island, people would chuckle and say, "Do you glow in the dark?"

Mr. Chairman, I can assure my colleagues that while that was a joke in some other communities, this is no laughing matter for the constituents that I represent in west Texas. Imagine, just because they happen to live in a rural area, why would they have any less right to having a safe environment than somebody who grew up in downtown New York? Just because they chose a quiet area where they want to get away from all of that other stuff, and suddenly they wake up one day and the school bus that their kid is riding in down the highway passes a nuclear waste dump site, and they suddenly wonder every day if their child going to become infected or contaminated by some of the waste going through the system and through the water supplies possibly if something goes wrong. There is a possibility.

The gentleman from Texas [Mr. BARTON] points out that there has never been an earthquake in this area. But there have been tremors. There has been movement in the ground that makes the residents out there shake in their boots at the prospect that something might happen.

Mr. Chairman, I ask my colleagues to put themselves in their shoes. Imagine if they were sending their child to school every day wondering, "Did I make the right decision in settling in this area?"

Would they ever think the day would come as an American that their constitutional rights to be heard about something that is going to be built in their backyard might be violated and they would not, as an American, have any say as to whether or not this dump was going to be constructed in their very own backyard?

Mr. Chairman, I have got at least 12 county commissioners, courts, local governments, who have written me and spoken to me very strongly about their opposition to this dump being created in their backyard, people like county judge Jake Brisbin in Presidio and former mayor Alfredo Gutierrez in Del Rio who were concerned about this issue.

People talk about the La Paz agreement with Mexico. Sometimes we think that we hold the upper hand with our neighbors to the south on environmental issues. But the thing we have to ask ourselves is when the Speaker of the House, as he has in the right way, sat down with the President of Mexico and said, "Do not build those Carbon 1 and Carbon 2 burning plants near the border because they will pollute our air. Why don't you put scrubbers on the facility?" And the Mexican Government will not do it. And now, in turn, they are asking us not to build a low-level radioactive waste site nearing the

Mexican border because it could threaten their country as well.

Mr. Chairman, we have to learn to coexist along the border and comply with the La Paz agreement so that we do not have threats that exist to people on either side of the border.

For those of my colleagues who think that this compact affects only Texas, Maine, and Vermont, I have a map. The gentleman from California [Mr. TORRES] pointed out one route that the waste could take coming down here. But whether it takes a route that the gentleman pointed out that comes through the middle of the country, or whether it took a detour and went through Chicago, maybe Iowa or Nebraska or another detour throughout the South like Georgia, Alabama, Mississippi, there are many different superhighways that exist in this area, and this stuff could be coming through the neighborhoods of my colleagues.

One of my friends pointed out earlier as well that there may be only 20 percent of this radioactive waste which is, in fact, radioactive. Mr. Chairman, I would ask my colleagues, if they had to drink the water in their house and they knew that only 20 percent of the liquid in that glass was radioactive, would they drink it? Is that not enough to scare them to death about how this could affect the future of the children growing up in their community?

I ask all of my colleagues, when they think about all those funny things that were said over the years about glowing in the dark, it is not just the people in Texas who are going to be suffering from this. If my colleagues live in any of these States enroute here in moving that waste through the country and down to west Texas, they have to ask themselves the same question.

If there is a truck accident or train accident or something happens along the way and suddenly just 20 percent of that load spills in their community, what are they going to say to their people when they have to come back and explain to them, "Yes, I approved that radioactive facility down in Texas, but I never thought the stuff would be coming through my town?"

Well, Mr. Chairman, how about if it does? What are my colleagues going to say when there is an accident? This is not just a case of my people glowing in the dark in the future if there is an accident. I ask Members to think about it. It could be their people, too.

Mr. Chairman, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Chairman, let me briefly respond to the gentleman from Texas [Mr. BONILLA] in talking about glowing in the dark. I think that is raising questions that really are not the issue, because right now in our hospitals, in portable buildings in our hos-

pitals, in the ceilings of our hospital, they are storing that.

So, it is not as the gentleman is trying to allege, that this is glowing in the dark. We are talking about low-level waste that is already being stored in urban areas, not in safe, contained areas like is contemplated for west Texas.

Mr. Chairman, let me talk about the transportation issue. There is more dangerous cargo now on Interstate 10 that goes through the gentleman's district, and not too far, than ever will be considered in low-level waste. There are more volatile chemicals flowing down Interstate 10 from El Paso to San Antonio than will ever be in there.

Mr. Chairman, let me address the La Paz issue a little bit. Let me quote from Reuters News. Alejandro Calvillo, an officer of Greenpeace Mexico, is quoted as saying that, "Mexico's National Water Commission and Nuclear Safeguard Commission recently concluded that the dump posed no health hazard for Mexico." That was Reuters, September 5, 1996.

Mr. Chairman, another quote regarding the La Paz agreement. The Texas facility promotes another purpose of the La Paz agreement to "prevent, reduce and eliminate sources of pollution" because it is properly engineered and environmentally sound.

Mr. Chairman, that is why this provision is a good place to do it. The Federal Government, Congress, allowed in 1985 for the interstate compact. Texas, Maine, and Vermont agreed to do it. The legislature in Texas, and I know because I served there up until 1991, agreed to this compact. In 1993, they agreed, after a great deal of studies, to have the siting.

The gentleman from Texas [Mr. BONILLA] talked about all those local elected officials that are contacting him. Maybe they ought to call their State representatives and senators and the Governor's office, because those are the people who made that decision to go to his county. We always believe that decisions are made best that are made locally. This was a local decision and not on the floor of this Congress.

Mr. Chairman, that is why it is important. If we do not pass this bill and that site opens, the constituents of the gentleman out there will have waste from all over the country coming to this site. Maybe instead of the gentleman from California [Mr. TORRES] shipping his wastes from California to South Carolina, perhaps they will be able to stop halfway and leave it in the gentleman's district in west Texas. I am sure they will be able to make a deal with them.

That is what is so important about this bill. It allows a compact for a number of States to participate and allows Texas to say, we are the biggest State in the compact, we have to have a place to put our low-level waste that we are now warehousing on site.

Mr. Chairman, we need to pass this bill, H.R. 629, today to make sure we

can do that. That is why I urge an "aye" vote for this bill.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank all my colleagues for their input here. We are along toward the end of a long, hard trail, and a lot of these arguments that are being made are good arguments. I can understand them and understand where they are coming from. They are less legal arguments than they are emotional arguments.

I even respect these Members who have come to the aid of a colleague. I respect the gentleman from Texas [Mr. BONILLA], who has done a good job with this situation in that he came in late. When this first transpired, the gentleman was not the Congressman from that area. He has done a good job since becoming their Congressman and representing them and setting his best foot forward.

□ 1545

All of this is late. Most of this happened before the gentleman from Texas [Mr. BONILLA] got to be the Congressman for the area that they have designated. These arguments should have been made before the TNRCC and before all the community hearings. They should have been made before the town hall meetings. Even the recent colloquy between the Governors that gave the option for input from people who had an interest, there has been all the input in the world into this. There has been opportunity for everyone to be heard. I think everyone has been heard from the three States today.

I think this low-level radioactive waste policy act is a very good example of State and Federal cooperation. This compact fulfills the Congress' side of the bargain. This is just the part we have to do. The States have already done their part. Other States have their compacts. I think 40 other States have them. In 1980 and again in 1985, Congress enacted legislation that set up a program under which States would have primary responsibility and primary control over the disposal of low-level radioactive waste. This is what the States wanted. This is what they asked for. This is what they were entitled to.

It makes sense because so many important local activities depend on having safe and ready disposal of low-level waste. While this issue is often discussed in terms of utilities' needs for disposal facilities, let me tell my colleagues, it also concerns hospitals, university research programs. It concerns industries across the State of Texas and across this Nation, industries that spawn jobs, and jobs spawn dignity; industry and jobs in the area where this site is, where substantial amounts have been spent.

Mr. Chairman, I urge my colleagues to pass this. I will not pretend that finding the site has been easy or is easy or that all the questions about how to

build the right facility are known. These are questions that have to be resolved in the course of obtaining a license to operate the facility and cannot be settled by us.

The Texas compact meets the law's requirements. It is needed by the people of these three States. I strongly urge that we support it. We ought to encourage States to conform with Federal policy, which is exactly what Texas, Maine, and Vermont have done by entering into this compact. I urge Members' support of these States' actions by voting for H.R. 629.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. BARTON].

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] is recognized for 8½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, we have heard quite a bit of emotion this afternoon on the floor about the issue generically of nuclear waste and specifically low-level nuclear waste. We have heard the concerns about transporting the waste. We have heard the concerns about storing the waste. We have heard the concerns about possibly seeing some of the waste get into the water table because of an earthquake.

Let us reverse that as we close the argument. We do not live in a zero risk environment. Every day thousands of Americans are diagnosed with cancer. If we do not have a way to dispose of the radiation treatments that are used to treat colon cancer, they are not going to be treated and those people are going to die. If we do not have a way to diagnose if somebody has some sort of a defect that is treated by diagnostic piece of equipment like an x ray or radionuclide that they put into the bloodstream, those people will not know that they have that medical disability and they, too, will develop the disease and they will die.

The fact of the matter is that we need disposal sites for low-level radioactive nuclear waste. That is a fact. We want to protect human life. We want to do everything we can to give people a quality of human life. Forty-one States currently have developed compacts with other States. Three States today want the same right that those 41 other States have today, Vermont, Texas, and Maine.

If we want to talk about the transportation problem, almost all of the waste that is going to be stored in Texas is going to be generated in Texas. Less than 50 truckloads a year, less than 1 per week, is going to be transshipped from Maine or Vermont. As the gentleman from Texas, [Mr. SAM JOHNSON] pointed out, in the almost 30 years that we have tracked the transportation of low-level nuclear waste around this country, there have only been four accidents, only four ac-

cidents, and there has not been one reported injury from those four accidents. That is an important issue but it is in no way a determinative issue.

We simply need to accept the reality that States under the law and under the Constitution have the right to enter into a compact. This particular compact is between Texas, Vermont, and Maine. The Governors have supported it on a bipartisan basis, the legislatures of all three States have supported it on a bipartisan basis, and we should support it on a bipartisan basis.

When we come to the rollcall vote in the next 5 minutes, vote "yes." The concerns that have been expressed by the gentleman from Texas [Mr. BONILLA], who represents the district, which are very valid concerns, can be addressed if they need to be addressed between the Texas Legislature and the executive branch, the Texas Natural Resource Commission that has responsibility for regulating environmental issues in the State of Texas.

There are some issues that need to be addressed. This is not the time and this is not the place. Vote "yes" on the compact. Give our States the same right that 41 other States have under the law today. I compliment the distinguished chairman of the subcommittee and compliment him for his leadership on this issue.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I will just remind the committee that this, after study, passed not only the subcommittee but the full committee by unanimous vote, voice vote, and I would ask support of the bill.

Mr. ARCHER. Mr. Chairman, I rise in strong support of the low-level radioactive waste compact between the States of Texas, Maine, and Vermont. The compact makes sense from both an economic and an environmental perspective. This country needs to adopt responsible policies for the safe and effective disposal of waste; this compact is a step in that direction, as the 3 States have fulfilled the mandate of Congress.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each State "responsible for providing, either by itself or in cooperation with other States," for disposal of its own commercial low-level radioactive waste. In compliance with this Federal legislation, the States of Texas, Maine, and Vermont have arranged to manage their waste through the terms of the Texas compact. This compact passed the legislatures of the States involved and is supported by Governors Bush of Texas, Dean of Vermont, and King of Maine. It also has the support of our own Commerce Committee which passed this bill out of committee unanimously. Texas, Maine, and Vermont have complied with all Federal and State laws and regulations in forming this compact. For the Congress to deny ratification of the Texas compact would be a serious breach of States rights and a rejection of Congress' previous mandate to the States.

Opponents of the compact object to the proposed site of the disposal facility in Hudspeth County. The bill before us, however, does not designate a site. A vote for H.R. 629 is neither a vote to endorse nor oppose the proposed

site in Texas. Federal legislation leaves the siting of a facility to State governments and should be resolved during the formal licensing proceedings. Currently, the Texas Natural Resources Conservation Commission is conducting the appropriate public hearings.

Mr. Chairman, Congress should not stifle the responsible efforts of these three States by rejecting a course of action Congress encouraged in the first place. I urge my colleagues to vote to supply the member States of the Texas Compact with the same protections we have already given 42 States in the nine previously approved compacts. Vote "yes" on H.R. 629.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer thoughts on H.R. 629, the Texas low-level radioactive waste disposal compact. This agreement will allow the States of Texas, Maine, and Vermont to enter into an agreement to dispose of low-level radioactive waste produced in their States.

The congressional consideration of this bill will allow a contractual agreement to be developed by Texas, Maine, and Vermont for the cooperative resolution of the problem of disposing of low-level radioactive waste.

The Commerce clause found in article I, section 8, clause 3 of the U.S. Constitution provides that Congress—not the States—has the power to regulate commerce among States. This clause has been interpreted by the courts to restrict a State's ability to regulate in a manner that would impermissible burden or discriminate against interstate commerce.

Under this law, without the compact's protection, the site if opened in Texas would be forced to take low-level radioactive waste from all 50 States.

Through legislative action in 1980 and 1985, the Congress encouraged States to form compacts to provide for new low-level radioactive waste disposal. Since 1985, 9 interstate low-level radioactive waste compacts have been approved by Congress, encompassing 41 States.

All radioactive materials lose radioactivity at predictable rates. Therefore, agreements are necessary for the proper disposal and storage of low-level radioactive waste until it reaches harmless levels at the end of 100 years.

This compact would not designate a particular site, but only the agreement among the participating States for the development of low-level radioactive facility.

My position on any site location, which I have expressed in the past, is that public hearings must, and should be, part of the process in order to give concerned citizens an opportunity to express their views on the site.

Before any final decision of location is made these hearings should allow for proper comment and evaluation of those comments to take place. It is my understanding that the Texas State planners are committed to as public a process as possible.

The Texas compact specifies that commercial low-level radioactive waste

generated in the party States of Texas, Maine, and Vermont will be accepted at the Texas Low-Level Radioactive Waste Disposal Facility. Low-level radioactive waste is defined the same way as the Low-Level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240.

Commerce low-level radioactive waste typically consists of wastes from operations and decommissioning of nuclear power plants, hospitals, research laboratories, industries, and universities. Typical low-level radioactive waste is trashlike materials consisting of metals, paper, plastics, and construction materials that are contaminated with low-levels of radioactive materials.

A compact is a serious matter, and a compact regarding the disposal or storage of low-level radioactive waste is extremely important. This compact will be managed by the participating States and especially by the State of Texas with the greatest care and professionalism possible.

I urge my colleagues to support this compact.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by section, and each section shall be considered as having been read.

During consideration of the bill for amendment, the Chair will accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any proposed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The text of H.R. 629 is as follows:

H.R. 629

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

#### SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

#### SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

#### SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

#### SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is given to the States of Texas, Maine, and Vermont to enter into the Texas Low-Level Radioactive Waste Disposal Compact. Such compact is substantially as follows:

##### "TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

##### "ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

##### "ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b-2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

##### "ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of



the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

“(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

“(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

“(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

“(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

“(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

“(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

“SEC. 3.05. The commission may:

“(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

“(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

“(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

“(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon’s Texas Civil Statutes).

“(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

“(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

“(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

“(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

“SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

#### “ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

“SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

“SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

“SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

“SEC. 4.04. The host state shall do the following:

“(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

“(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

“(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

“(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272

and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

“(5) Submit an annual report to the commission on the status of the facility, including projections of the facility’s anticipated future capacity, and on the related funds.

“(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

“(7) Promptly notify the other party states of any legal action involving the facility.

“(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

“SEC. 4.05. Each party state shall do the following:

“(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste from specifications of the host state.

“(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

“(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

“(4) Provide the commission with any data and information necessary for the implementation of the commission’s responsibilities, including taking those actions necessary to obtain this data or information.

“(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state’s regulatory body.

“(6) Provide financial support for the commission’s activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission’s expenses, incurred for administrative, legal, and other purposes of the commission.

“(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If

all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

“(8) Provide on a regular basis to the commission and host state—

“(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

“(B) proposed transportation methods and routes; and

“(C) proposed shipment schedules.

“(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

“SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

#### “ARTICLE V. PARTY STATE CONTRIBUTIONS

“SEC. 5.01. Each party state, except the host state, shall contribute a total of \$25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state \$12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional \$12.5 million.

“SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

#### “ARTICLE VI. PROHIBITED ACTS AND PENALTIES

“SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

“SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

“SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

#### “ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

“SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states

under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

“SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

“SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

“SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

“SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

“SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to

the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

“SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

“(1) Texas and the other ratifying state are the initial party states.

“(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

“(3) Each party state is responsible for its pro-rata share of the commission's expenses.

“SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

“SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

#### “ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

“SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

“SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

“SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

“SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

“SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction

to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission."

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOGGETT: Page 2, line 17, strike out "and", in line 20, strike out the period and insert "; and", and after line 20 insert the following:

(4) is granted only for so long as no low-level radioactive waste is brought into Texas from any State other than Maine or Vermont.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Colorado [Mr. DAN SCHAEFER] reserves a point of order against the amendment.

Mr. DOGGETT. Mr. Chairman, this is a very straightforward amendment. As the Clerk's reading just indicated, it is designed, though I still have reservations about this compact, to implement the intent, indeed the very words of my colleague, the gentleman from Texas [Mr. BARTON], and my colleague, the gentleman from Texas [Mr. BENTSEN], who spoke earlier and said that the whole purpose of this agreement was to provide our State added protection against other States coming in and dumping their waste. So this amendment just says very straightforward, in a single phrase, that we are granting our approval of this compact only so long as the radioactive waste that is brought into Texas does not come from any other State other than the two that are the current signatories, Maine and Vermont. I am sure it

is acceptable to the sponsor of the bill, and I would yield to the gentleman, and I will continue further if it is agreeable.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I am tempted to accept it. The problem is, under the compact we give the States the right to negotiate the compact. Without checking with the Governors and the Texas legislature, of which the gentleman is a former member, I would not want to preclude them, although to my knowledge they have no negotiations to expand it. I would not want to accept it without giving the States the right to take a look at it. So I would have to have reluctantly oppose it.

Mr. DOGGETT. Mr. Chairman, reclaiming my time, I guess this really points out the entire problem with this compact. The States, the State of Texas has said this compact is designed to protect our citizens. Members of this body like the gentleman from Texas [Mr. BARTON] and other colleagues from Texas and other parts of the country have come forward today and they have said this will protect Texas, added protection for our State. Yet when push comes to shove, they are eager and willing to let an unelected group of commissioners, as this compact provides in subsection 6 of section 3.05, that group of unelected commissioners who will not, I would say to the gentleman from Texas, ever have to go back to the Governor or to the legislature and certainly not to this Congress, to allow waste from any place they want to be dumped in Texas.

That is exactly what all this is about. It is not about Texas and Vermont and Maine. That is the foot in the door. That is where they begin. If we look at this bill, Mr. Chairman, we will find in the definitions of this compact, where they define the term "party States," they say Texas, Maine and Vermont are, and here is the critical word, the "initial" party States under this compact. They are just getting started. They are the "initial parties." They are the beginning. But eventually waste from all of those States will pour right into west Texas.

Now, it is true that in the State of Texas we have a pretty big idea about what our State is about. Really big. In fact we can still find Texans that think that Colorado is part of north Texas. In fact when Texas won its independence in 1836, part of Colorado was part of north Texas. But I have yet to come across any braggart in Texas who thinks that Maine and Vermont are a part of our region.

When this Congress passed in 1986, the Low-Level Radioactive Waste Policy Act, it contemplated and envisioned regional compacts. One of the reasons, one of the several reasons for that was to avoid the dangers of transporting things from one end of the

country to the other end of the country. The region that is defined in this bill are the States of Texas, Vermont, and Maine. If they can be part of the region of Texas, then any State can be part of the region of Texas.

The low level radioactive waste as it is referred to, may be called, just as this is called the Texas-Maine-Vermont compact, it may be called low-level radioactive waste, but I guarantee my colleagues they would not want any of it in their backyard. This stuff is going to be around for long after any Member of this body. For hundreds of thousands of years some of this low-level radioactive waste will be hazardous to humans. And who knows how to protect and contain that waste over that period of time?

So we would be well advised to limit, if that is the purpose of this compact, to limit this compact to those States and not, as the gentleman from Texas [Mr. BARTON] has suggested, leave it to the unelected commissioners. At least require the people's House, the people's representatives and the Senate of the United States, to approve the addition of any other States to this compact.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

Mr. DOGGETT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BARTON of Texas. Reserving the right to object, Mr. Chairman, if we grant unanimous consent for this 5 minutes, is it the only additional 5 minutes the gentleman from Austin is going to request?

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. On this amendment, Mr. Chairman.

Mr. BARTON of Texas. Mr. Chairman, I withdraw my reservation of objection at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

□ 1600

Mr. DOGGETT. Mr. Chairman, there has been some discussion about this site where the waste from Vermont and Maine would come to Texas, and the suggestion that people in Sierra Blanca would be protected in the event that this particular compact is ratified.

I would draw the attention of my colleagues to this particular chart, all these little red squiggly lines were real squiggly at one time. They were squiggly when the Earth shook and when the Earth trembled. In fact, in April 1995, during the very time that this compact was being considered here

the last time it was beat, within about 100 miles of where this site is located there was an earthquake that hit 5.6 on the Richter scale. That is enough to let us shake, rattle, and roll.

In addition to the earthquake problem, there is the question of the floodplain. All this blue area around Sierra Blanca is a 100-year floodplain. It is even more visible on certain other charts. The fact is that it is not only near the Rio Grande River but it is near Graten Lake that is near the 100-year floodplain, that these flood waters from that 100-year floodplain within a mile of this site will be flowing into the Rio Grande River.

We are not, therefore, just talking about the poor people of Sierra Blanca, we are talking about people all up and down the Rio Grande River who draw their water from the Rio Grande River that risk danger from having this dump placed where it is. That is one of the reasons, that this dump was initially rejected by the Texas Waste Disposal Authority. They turned to this dump only because it later proved to be the most politically palatable.

So I would say to my colleagues that the best way to assure the protection that the authors say they want, protection that will extend not just this year but for a long time into the future, is to write it into law, just as with all the other provisions of this compact, to write into law that there is a guarantee that no waste will be coming from New York or from Massachusetts or from any of the other States around the country, 41 of whom we are told this afternoon are so happy they would not possibly think of coming to Sierra Blanca. Let us leave them in their happiness and leave the people of Sierra Blanca with the mere waste of Texas and Vermont and Maine and not extend it to all of these other States around the country.

There are many people who cannot be here today to have their say on this compact. One of them is a woman from the region whose name is Lourdes Perez. She has written a very moving song in Spanish, "El Nino de Sierra Blanca." It does an injustice to the beauty of her writing to quote from it, but to take only a few lines I would read in English the translation:

For the moment it seems that it's a done deal. I say that this is infuriating; that the Earth is going to swallow this poison in her guts. I say that this is an insult to contemplate suffering from a comfortable distance for a legacy, a trash dump, they want to leave for the children.

I think that says it all. At least make it a little trash dump of three States, not a giant trash dump that includes the garbage and makes Texas the pay toilet for the country of nuclear radioactive waste, 90 percent of which will be coming into that pay toilet from nuclear powerplants, not gloves or medical waste, much of which has a very short life. Ninety percent of it is going to come from nuclear powerplants, and an infinitesimally small

portion of the total waste that will be pouring in even from these three States will come from academic or medical purposes.

To suggest that there is something at stake for people if we do not establish this dump site is really to misanalyze the issue. So I ask my colleagues to join with me today in approving this amendment so that the authors who have come forward get exactly what they say they wanted, that only these three States are in this compact and not one more to it.

The CHAIRMAN. Does the gentleman from Colorado [Mr. DAN SCHAEFER] insist on his point of order?

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I withdraw my point of order.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

I wish to engage in a colloquy, if I could, with the author of the amendment, if the gentleman from Texas [Mr. DOGGETT] would care to answer some questions.

Has the gentleman shown this amendment to the Governor's office or to the lieutenant Governor's office or to the speaker's office in Texas?

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. The answer is I thought their intent was reflected in the compact. When we read section 6, they say they want to be open to everyone.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the question is, before it came on the floor, had the gentleman checked this amendment with any official of the Texas Legislature or the Governor?

Mr. DOGGETT. If the gentleman will continue to yield, I would say no, that while I have great respect for Governor Bush, I do not ordinarily check my Legislation with him.

Mr. BARTON of Texas. Mr. Chairman, I personally have no problem with the intent of the amendment.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from San Antonio.

Mr. RODRIGUEZ. Mr. Chairman, I was just going to clarify part of the gentleman's question. The current Governor was not there. That was Governor Ann Richards. The present Governor was not there, although I was there in the Texas House and I had the opportunity to be there. And one of the arguments that they utilized was the fact that most of the waste was just going to be coming from those three States.

And I know that a lot of them were very favorable because of that, and that it was going to restrict any other States from coming down. That is why some individuals, despite the fact that they were against it, decided to support it.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification. My point is, I have no problem with the intent of the amendment. The intent, I think, is honorable, to restrict the waste to the States of Texas, Vermont, and Maine.

The problem is twofold: No. 1, it has not been checked with the State of Texas, and it should have been. No. 2, if any amendment is accepted, then the State Legislatures and the Governors of the three States have to go back and renegotiate the entire agreement.

So while the amendment is well-intended on its face, it in fact is a killer amendment. I know of no negotiations by any agency in the State of Texas, and I am not as familiar with the States of Vermont and Maine, to expand the compact. I would point out that 41 other States already have compacts. If we ratify this amendment, we will have 44 States that have compacts, so we will only have 6 States remaining, one of those, South Carolina, has the national depository now.

So again, while it is well-intentioned, I think this amendment would be a killer amendment. If in fact the gentleman wishes to pursue it, I would be happy to pursue it with him, with the appropriate officials in the three appropriate States, but I could not accept it at this point in time and would hope the House would vote against it if it comes to a vote.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. DOGGETT. The gentleman is aware that in the bill there are conditions to the consent of this compact by the Congress, and those current conditions have not required renegotiation. What is it that makes the gentleman think that if this Congress approves the compact 100 percent, but says that it is limited to the three States that negotiated it, that that would require any renegotiation?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, it might be a simple reratification, but both committee staff and professional staff have advised me that this would require a renegotiation.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from San Antonio.

Mr. RODRIGUEZ. Mr. Chairman, I thank the gentleman for yielding.

I indicated to the gentleman that I was also in the Texas House when this occurred. It is my understanding this would be appropriate for us. We have the right to dictate whether this should exist or not exist, and we should have a right to limit which States should be able to participate. So I do not see a problem in terms of accepting this amendment.

In fact, I think it would be a good amendment. If the gentleman wanted this to go forward, this can be the language that might be able to allow it to

continue to go forward. I think a lot of us in the Texas house, we did have some concerns with it.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, again, my argument is not against the intent of the amendment. It is the fact it has been brought up with no consultation with the State of Texas; and according to the professional staff and committee staff, if we accept the amendment we have to renegotiate the agreement.

We have been negotiating this agreement for 5 years. It is time to pass it, send it to the Senate, send it to the President; then, if we want to do things like that, work with the States of Texas, Vermont, and Maine and we will do it.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. GREEN. Mr. Chairman, I know the concern of my colleague who formerly served in the Texas House. Maybe the Texas House should have revisited that, but that is not the issue on the floor today of this House. We have 41 States that have compacts. No other of those 41 States have this provision in their compact. So for us to have protection in Texas, we need to pass this bill without the amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has expired.

(By unanimous consent, Mr. BARTON of Texas was allowed to proceed for 1 additional minute.)

Mr. GREEN. If the gentleman will continue to yield, again, 41 States already. If we pass this bill today intact it will be 44 States that will have compacts. None of the other 41 States have this amendment.

If people are opposing the bill, then they can oppose it, but this is a killer amendment because it will take it and actually eliminate the ability of a compact between Texas, Maine, and Vermont.

The compact commission, three-fourths of the members of that compact commission, my colleague from Austin talked about, are Texas members, and that is their decision. Again, the legislature can change that in Texas, but not on the floor of this Congress. We do not want to make the decisions for the State of Texas on the floor of this House. That should be made closest to the local folks.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I would also say that the Texas Legislature does not meet again until January 1999.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Colorado, if I have any time left.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, one quick point. In nine previous compacts that we have approved in Congress, in nine of them, we have never altered the language that

has been approved by the States, and I do not think we should be altering the language that has been approved by the States now.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just indicate, if I can give my colleagues an analogy, for those of us that live in neighborhoods that have yards, there is a tendency for us, when sometimes we have a broken lawnmower or trash, there is a tendency for us to put it at the far end of the yard, which sometimes is in the proximity that is even closer to our neighbors.

The same thing has happened in this situation. We have a situation where we assume that it is far away from all of us, but the proximity to Mexico is right there. Juarez is a population of over 2 million people. The Rio Grande is going to impact over 1,300 miles. The population in Texas that is impacted through the Rio Grande and the border region is over an additional 3 million people on this side of the border, not to mention the population on the other side.

So there is always a feeling that if I put it in the far end of my yard, I am not going to see it, but that is what is closer to our neighbors. And what we are doing to them is very inappropriate in terms of where we are putting this.

Not only in terms of the population that is there, I did not even mention the city of El Paso that has over 700,000 population. But one of the other things I wanted to mention to my colleagues is that if we look at Mexico in terms of their abuse, in terms of what is happening with the maquiladoras, we need to also look at ourselves in terms of the danger that we are putting all those individuals in. The proximity to the Rio Grande is so darn close, and also with the Pecos River that is by there, that it is putting in danger a large population.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

Mr. DOGGETT. Is the gentleman aware of the fact that the Governor of Chihuahua, Mexico, the State adjacent to this area, in 1995, the last time we beat this compact down, wrote Governor Bush and said, and I quote, "I express to you our great concern over the news we have received about the construction of a nuclear cemetery in Sierra Blanca." And it is a cemetery, and we just hope it is only the waste that is going to die there. "The confinement of radioactive material in that place endangers the health of the population due to the possible emissions of radioactivity into the air, soil and water, water table layers and surface water river beds."

So it is not only in this country, is it not, but in Mexico that there is grave concern; and are these not the same people to whom we turn when we are concerned about cleaning up air over

Big Bend and the water along the Rio Grande that serves so much of Texas?

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, the gentleman just hit on an area that is of key importance. Not only is the Governor of the State of Chihuahua against it, but the entire Government of Mexico has indicated that that violates some of the treaty agreements with this country. They are extremely concerned that we would choose as a country to put a nuclear site right next to the border of Mexico. That is very inappropriate.

As was also indicated earlier, there was some discussion what had happened in terms of an earthquake. Actually, there is a major fault, and there is some real concerns in terms of what has occurred in the last few years. There was an earthquake around the Alpine and west Texas area that was pretty dramatic. There was some damage that occurred in that area, and that can also be a great concern in terms of the whole area.

Now, the issue, and I can understand, when we say we are going to allow them to form a pact but we cannot dictate any aspects of it? I think we can. I think this amendment allows an opportunity for Vermont and Maine and Texas to participate. And I think that when people come to us with trade agreements, we want to be able to have an influence, do we not? Sure we do.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

□ 1615

Mr. DOGGETT. Is the gentleman aware that the Governor of Texas at the time, prior to Governor Bush back in 1993, was asked by the State of Connecticut to join this compact and that she wrote back, "After we are satisfied that the Texas disposal facility is operating safely and efficiently, and if we determine that accepting waste shipments from Connecticut would benefit Texas, we may open up discussions with you?"

So it has already been asked to have other States join in this compact. There are already offers to pay to dump their garbage in the pay toilet down in west Texas. And if we cannot, we expect other States to do likewise once this dump gets underway.

Mr. BALDACCI. Mr. Chairman, would the gentleman from Texas yield on that point?

Mr. DOGGETT. I would like the gentleman from Texas [Mr. RODRIGUEZ] to answer my question first.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I agree totally with the gentleman from Texas [Mr. DOGGETT].

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

If I am reading correctly from the bill, it says on page 9 they are already

limiting the shipments from all non-host-party States, are already capped. It says on page 9 that it is already capped at 20 percent of the volume, it shall not exceed that in this legislation.

So while the gentleman from Texas (Mr. Doggett) may want to represent it as an unlimited involvement of many States into Texas, in fact, it is already capped at 20 percent and it cannot exceed that.

I, as a Representative from Maine, would be opposed to the amendment that the gentleman from Texas [Mr. DOGGETT] is offering because it upsets the legislation that has been put before us and that has been dealt with by the States of Maine, Vermont, and Texas. I would put that forward here to say that we do have this cap.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, if my colleague already has that cap, and he indicated there is a 20 percent, what would be the objection of just allowing those three States to participate?

I was going to indicate that there is already a cap. What would be the difference in terms of also agreeing to set the cap, and that was a cap of the understanding of the compact that there were three States to participate? What is wrong with allowing that cap in that amendment by the gentleman from Texas [Mr. DOGGETT] to be accepted if that is the case?

Mr. BALDACCI. Mr. Chairman, reclaiming my time, because in Maine, as already has been discussed, the Maine Yankee is closing and decommissioning but Maine is still going to apportion a cost to pay for its portion of this siting.

So Maine and Vermont and Texas are going to be in partnership, and Maine's share is going to be contributed, but Maine is not going to be reaching the volume because of an unexpected closing 10 years earlier of 97 percent of the low-level radioactive waste. So Maine is saying that it should be able to make sure that it utilizes that volume.

But there is a cap that exists that no more than 20 percent of the nonparties that host can participate that already has been capped. So we would have the utilization for what is being paid for, and there is still a cap that exists on the legislation.

I understand and appreciate the concerns that have been expressed by members in the community which closely reside in this particular area. But I really believe that this would be in Texas' best interest because it, by and far, would be the largest producer of not only low-level radioactive waste but high-level radioactive waste and, rather than opening itself up to all the States to have a compact that has a limit of nonparty States to it of up to 20 percent, allows for that cap to be adhered to.

So I think this would be something that would be good for Texas, it would

be good for Maine and Vermont, and it would stay within the confines of this compact. But to amend this compact in any way, we have to remember that in the State of Maine this was ratified by the people. So it is not just the Governors and the legislature, but it has to go back before the people, and it would almost restart that whole entire process.

Mr. RODRIGUEZ. Mr. Chairman, if the gentleman from Maine [Mr. BALDACCI] will continue to yield, can he clarify that once more? That is 20 percent of the max that is distributed? So if another State goes up higher, then that percentage continues to expand, not the percentage, but the amount?

Mr. BALDACCI. Reclaiming my time, no. According to what I am reading, it says that the shipments of low-level radioactive waste from all non-host-party States shall not exceed 20 percent of the volume estimated to be disposed of by the host State during this 50-year period.

Mr. RODRIGUEZ. If the gentleman will continue to yield, so 20 percent of that specific State.

Mr. BALDACCI. No; the volume disposed of the host State during that 50-year period. So there is a cap on the States participating in this compact.

Mr. RODRIGUEZ. And if we do not reach that percentage, we are going to seek it out and get waste from other States?

Mr. BALDACCI. Shall not exceed.

Mr. RODRIGUEZ. But they will be trying to get to that level from other States so that they can get payment from those States in order to get their reimbursement of the cost that they have put into it; is that correct?

Mr. BALDACCI. The States are capped at whatever can be allowed from nonhost States. So there is a cap on it that was designed by the compact and approved by all the parties involved. So there cannot be any more waste than what was already set for here. So a State cannot all of a sudden contract with other States to sort of make money on this arrangement. It is limited in the arrangement.

Mr. RODRIGUEZ. We are not doing anything to that. That is still allowable under the compact if that language remains there?

Mr. BALDACCI. Reclaiming my time, this amendment restricts it to within only those three States.

Mr. RODRIGUEZ. If the gentleman would yield further, no, only those three States in terms of initial pact, because my understanding is that the particular three States can decide to include other States.

Mr. BALDACCI. Reclaiming my time, under the compact, they can. But under the Doggett amendment, it would be limited to only those three States.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Texas (Mr. Barton).

Mr. BARTON of Texas. If we were to accept this amendment as is, would the gentleman defer on any other amendments?

Mr. DOGGETT. Mr. Chairman, if the gentleman from Texas [Mr. BARTON] would yield, yes, I would. And other than commending the gentleman from Texas [Mr. BARTON] for accepting the amendment, I would restrain myself and offer no more comments this afternoon.

Mr. BARTON of Texas. Well, I checked with the chairman of the subcommittee. But I would be willing to accept this amendment with the understanding that, in the interim before we go to conference, we check the Governor of the State and let the Members from the other two States check with their Governors.

I think we have never amended any other compact on the floor of the House.

Mr. DOGGETT. I understand the genuine concern of the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. With that understanding that we reserve the right to check with the State Governors, and if they need to check with their legislatures, I would be willing to accept this amendment if the gentleman from Texas [Mr. DOGGETT] would agree to offer no other amendments on this bill today.

Mr. DOGGETT. If the gentleman would continue to yield, I so agree. And I appreciate the gentleman's position on this.

Mr. BARTON of Texas. Mr. Chairman, I would withdraw my objection to the amendment and would now support the amendment, with the agreement that I just have with the gentleman from Texas [Mr. DOGGETT].

Mr. Chairman, I yield back to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I am glad we have worked it out to accept the amendment and get more information.

The most recent information I have, though, and I need to have my colleagues from west Texas talk to me about this, because I was just informed, Mr. Chairman, that we have 20 miles south of Juarez, Mexico, much closer to El Paso, a low-level nuclear site in the Republic of Mexico, and it is much closer to our border than this site is to the Republic of Mexico.

And if my colleague, the gentleman from west Texas [Mr. REYES], or the gentleman from Texas [Mr. RODRIGUEZ] would explain that to me, I would be glad to yield to them. Are my colleagues aware that there is a low-level nuclear site 20 miles south of Juarez, Mexico?

I understand their opposition to the bill today is a lot of La Paz amendments and agreements. But maybe they can share that with us. Is there really a low-level site 20 miles south of Juarez, Mexico, in the Republic of Mexico?

Mr. REYES. Mr. Chairman, will the gentleman yield?



Mr. GREEN. I yield to the gentleman from Texas.

Mr. REYES. Not that I am aware of.

Mr. GREEN. Reclaiming my time, my colleagues might want to check it and share that with fellow Members, because I know a lot of opposition to this site, and if there is one closer to El Paso in the Republic of Mexico than this site is to El Paso, then I think a lot of Members would like to know about that.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I just wanted to respond to the gentleman from Texas [Mr. GREEN]. I do not know if there is one out there. But say that there is, should we do the same thing? I do not think so.

Mr. GREEN. Mr. Chairman, reclaiming my time, the gentleman from Texas [Mr. RODRIGUEZ] is right, maybe we should not. But I just know that if their side and the Republic of Mexico is closer to El Paso, why are we not having this battle in the National Assembly in Mexico City?

Mr. RODRIGUEZ. We have always had a problem with Mexico abusing and the maquiladoras abusing on the river, and we have been critical of them and the abuse of the environment. Because they do that does not mean that we should also do the same thing.

So we need to be very cognizant of that as a large population. Just looking at the population on this side, El Paso has 770,000 people, and the other side is 2,000,000 people.

Mr. GREEN. Reclaiming my time, I agree. But the problem I have is that I do not think this site is that environmentally dangerous as maybe a site that is maybe 20 miles south of El Paso, 20 miles south of Juarez.

So I want us to consider the total package. But having looked at the engineering studies on this for a number of years, I would consider this site as not an environmentally dangerous area as compared to other sites.

But, again, if we are debating this on the floor, we ought to have the full information for those who represent Texas. And, again, just because one country does it does not mean we need to. But I also know we have to have a site for our low-level waste.

Mr. RODRIGUEZ. Mr. Chairman, if the gentleman will yield further, I understand that fully. And that is why this amendment would be ideal, because, yes, we do need a site and this would just restrict it to the States of Texas, Maine, and Vermont.

But to think that people from throughout the country are going to be dumping in that site because it is considered to be rural and because the people there are poor and because they think it is an appropriate site, there are a lot of other concerns that we have on the border.

Mr. GREEN. Again reclaiming my time, the reason that site was there is

not because the people were rural or poor, it was because the legislature and the powers that be in the State of Texas selected that site. They did not say, let us go out and find some place that is poor and without representation. Because there is a State senator from that area, there is a State representative, and there are county commissioners who obviously had impact on this and opposed it earlier.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not interfere with the objection. I will not interfere with the acceptance. The gentleman from Texas [Mr. DOGGETT] is the author of the bill, the sponsor of the bill.

But I think as it goes forward, we need to be reminded that this amendment decreases the flexibility provided in the compact that benefits Texas, Maine, and Vermont without increasing protection for Texas.

The gentleman from Texas [Mr. RODRIGUEZ] a few moments ago asked what would be the problem with doing this. Let me tell him what the problem is to where this goes into the RECORD where it can be considered by other deliberative bodies that will be looking at this bill.

In the first place, no new State could join the compact. And new members, if they so chose, if Texas so chose and Vermont so chose and Maine so chose, new members could reduce the cost for all of the facility. We are taking away flexibility from the future for our own State.

And one last word: This amendment gives to this bill something that Congress has never made such condition on any other compact. I hope that the future bodies, conference committee, and the final vote on this, that this will be a part of the RECORD.

And I support the position of the gentleman from Texas [Mr. BARTON], who has made his offer to the gentleman from Texas [Mr. DOGGETT].

□ 1630

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY Mr. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Kucinich amendment, page 2, after line 20, insert the following:

(5) No nuclear waste shall be transported through any incorporated area with a population in excess of 25,000 persons.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I reserve a point of order, and I would like to see a copy of the amendment.

The CHAIRMAN. A point of order is reserved.

#### PARLIAMENTARY INQUIRY

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, are we not able to have this amendment in writing?

The CHAIRMAN. The Clerk is furnishing the gentleman a copy.

The gentleman from Colorado, Mr. DAN SCHAEFER has reserved a point of order.

Mr. DAN SCHAEFER of Colorado. I do reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio [Mr. KUCINICH] is recognized.

Mr. KUCINICH. Mr. Chairman, among the many issues which have come before this Congress during this debate is the issue of the transportation of nuclear waste. This compact is set up in such a way that nuclear waste will be moved from the State of Maine and the State of Vermont to the State of Texas, which puts into question how the waste is going to get there. So the transportation, then, of nuclear waste is part and parcel of the debate over this issue and over this legislation.

My colleagues in the following States ought to be very concerned about this legislation, because millions of cubic feet of nuclear waste will be moved through the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, into Texas. I will go over that again. The States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, into Texas will have millions and millions of cubic feet of radioactive waste transported through communities, and what my amendment does is to say once and for all that Congress takes the position that we are going to protect populated areas from the possibility of a derailment or any kind of release.

We are dealing with technologies here which are not perfect. We are dealing here with technologies which are no match for the radioactive waste they are transporting. We are talking about a journey of thousands of miles from the State of Maine through to the State of Texas, through many populated areas.

This Congress ought to set conditions of consent to the compact which include that in order for that waste to be moved safely, it must be kept out of populated areas. So that is why the amendment is offered in such a way that this Congress will protect all populated areas, 25,000 or over, so that we keep nuclear waste from being transported through these communities.

It is imperative that Congress takes a position on this issue because we need to protect our populated areas in the event of an accident. Once something happens, it will be too late to say I am sorry, it will be too late to say, why did we not think of routing it a different way; it will be too late to say we should have sat down and found a

way to move it through and around populated areas, and so that is why this amendment is imperative.

If we are making policy for the disposition of nuclear waste, and if that policy provides that nuclear waste is going to be moved thousands of miles, we also must take a responsible position to protect the populated areas of some of our major States, including New Hampshire, which the waste from Maine would move through, and Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, through to Texas.

So, Mr. Chairman, I am asking the Members of Congress to support this amendment as a means of showing the communities across this country, whatever position one takes on the overall bill, one should not have a problem with an amendment that is designed to protect populated areas from the event of an accident moving high-level or low-level or any kind of nuclear waste.

#### POINT OF ORDER

The CHAIRMAN. Does the gentleman from Colorado, Mr. DAN SCHAEFER insist on his point of order?

Mr. DAN SCHAEFER of Colorado. I do insist on my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado, Mr. DAN SCHAEFER is recognized.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I feel very strongly that this amendment is not germane to the bill, and that we are simply giving States the right to enter into these compacts. We are not asking them any place in the bill how transportation is going to be decided or anything else.

Under rule 16, the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill, and we are not talking in the bill about transportation.

So I must insist on my point of order and ask for a ruling of the Chair.

Mr. KUCINICH. Mr. Chairman, with all due respect to the gentleman, how are we going to get it there? The waste is in Maine; it is going to get to Texas. It is not going to materialize in Texas. It is going to be transported, which is why Congress ought to take a position and why it is germane. It is implicit in this. One cannot separate the question of transport from the creation of the compact. Otherwise, we are not moving it, so it is germane.

The CHAIRMAN. Does the gentleman from Maine wish to be heard on the point of order?

Mr. ALLEN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maine [Mr. ALLEN] is recognized.

Mr. ALLEN. Mr. Chairman, there is a fundamental fact: This compact is not about transportation. The transportation goes on now. We are not talking about spent fuel rods, we are talking about low-level radioactive waste. In Maine, 95 percent of that waste comes from the Maine Yankee plant. Waste is now transported all around this coun-

try. Our waste in Maine now goes primarily to Barnwell in South Carolina. It moves through the United States, through different States, as it is.

That is why I believe, Mr. Chairman, that a provision like this, which basically says, no nuclear waste, so we can argue about that, shall be transported through any incorporated area with a population in excess of 25,000 persons, that is a different issue from the issue of whether this compact, negotiated over years between Maine and Vermont and Texas, shall be approved by this House.

Mr. KUCINICH. Mr. Chairman, if I may, with respect to my colleague's comments, again, no matter what the other States agreed to, the Congress of the United States has overriding authority under the Constitution, article I, section 8, with respect to interstate commerce, and we have an obligation to see to it that this Constitution is upheld.

We are the final word on interstate commerce. So I am saying in order to assert our constitutional prerogative on interstate commerce, that what we ought to do is put it in the conditions of consent to the compact, because otherwise we have a compact that means nothing. The question here is of transport. Common sense tells us it is germane.

The CHAIRMAN. The Chair is prepared to rule.

The fundamental purpose of the pending bill is to grant the consent of the Congress to a specified compact among three States. The Chair would agree that an amendment proposing directly to change the terms of the interstate compact itself would be contrary to that fundamental purpose, but the Chair notes that while section 5 of the bill carries the text of the interstate compact, the preceding sections of the bill comprises provisions exercising and reserving the exercise of the prerogatives of Congress to legislation with respect to matters addressed in the compact. Section 3 of the bill makes the consent of the Congress to the compact contingent on fidelity to the pertinent Federal law. Section 4 of the bill reserves the possibility that the Congress might alter or repeal its consent to the compact. Thus, the purpose of the bill is not merely to consent to the text of the compact proposed by the States, but also to prescribe contingent or conditional terms for such consent. The Doggett amendment added an additional condition subsequent.

The amendment offered by the gentleman from Ohio does not propose a direct change in the compact, itself. Rather, it proposes to include in the grant of the congressional consent a condition on the routing of nuclear waste material as a matter of Federal law.

The bill, which is open to amendment at any point, contains a provision in the compact on page 15 relating to the routing of nuclear waste materials in accordance with Federal law.

Thus, the amendment does not deviate from the fundamental purpose of the bill, that is, to ratify a compact among three States; nor does it directly change the compact provisions. Because the issue of routing is in the bill, the Chair feels the amendment is germane and overrules the point of order.

Is there further debate on the amendment?

Mr. ALLEN. Mr. Chairman, I rise in opposition to the proposed amendment.

The CHAIRMAN. The gentleman from Maine [Mr. ALLEN] is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, a lot of allegations have been made about waste. I want to say first of all, I understand the position of my good friend from Ohio [Mr. KUCINICH] but I do want to challenge some of the statements that he made earlier.

Millions of cubic feet of nuclear waste. Let me describe the State of Maine for a moment and the waste that we have.

Today, in the State of Maine, 95 percent of our low-level radioactive waste, which is what we are talking about, 95 percent of that is generated by the Maine Yankee atomic powerplant. That powerplant is closed, has been closed this year, is closed permanently, will now go through a process of decommissioning. In the course of that process of decommissioning, there will be low-level radioactive waste that will still need to be moved on, but the amount that will be generated in the State of Maine, needless to say, is going to fall off dramatically.

Now, I would also say, as I mentioned in response to the point of order, that what we are talking about here is low-level radioactive waste that already moves. It is generated by hospitals, it is generated by laboratories, it is already moved around this country through a wide variety of States, and that really is bound to continue, whether this compact is ratified or not.

Finally, I would say this: An earlier amendment was accepted by the gentleman from Texas [Mr. BARTON], but I have grave reservations and would urge the defeat of all amendments for several reasons. Maine, Texas, and Vermont spent years negotiating this compact. The legislatures and the Governors of those States approved the compact. Any amendment would require the three States to begin the ratification process all over again. It goes back to the Governors, back to the legislatures, and we are here today really to approve what they have already negotiated.

I would say this: No other low-level radioactive waste compacts approved by this body have been amended when they were submitted to Congress. Compact amendments have been approved by Congress only at the request of member States, only at the request of member States and only after the amendments were negotiated and adopted by member States in the same manner as the original compact.

We have a process for dealing with these compacts, and it is to let the Governors and the State legislatures come to agreement and when they have come to agreement, come to the floor of this House and ask for approval. We should not today approve amendments, any amendments to this compact. I say, let us approve the compact as it came in, and then if the States wish to renegotiate their deal, they can do that as they go forward.

For that reason, I urge a "no" vote on the amendment proposed by my good friend from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, as the Chairman has so well stated, this amendment is germane, and in addition to that, it is time for Congress to step up to its responsibility to set terms so we protect populated areas. Again, the interest of Maine is at stake. I respect that. The interests of the people of Maine are at stake when nuclear waste is moving through communities in Maine, Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas, and Texas. Low-level is a misnomer. This nuclear waste lasts for thousands of years, whether it is 10 cubic feet or a million cubic feet.

So this is not simply a matter of a few States coming to an agreement without regard to the interests of the rest of the United States of America. What I am trying to preclude here is that we do not end up with a mobile Chernobyl and have a condition where nuclear waste is in proximity to a populated area and creates a risk to that populated area while it is being transported.

Mr. ALLEN. Mr. Chairman, reclaiming my time, let me respond to the threat of a mobile Chernobyl.

□ 1645

We are not talking about high level radioactive waste. We are talking about clothing, we are talking about materials, we are talking about the kinds of materials that are used in hospitals, that are used in laboratories, and yes, are used to protect workers in and around nuclear powerplants. We are not talking about spent fuel rods.

This kind of low-level radioactive waste is already transported all around the country every day in trucks and rail cars. I believe this compact, what this compact does is ensure that the waste from Maine and Vermont and Texas will be dealt with appropriately in an environmentally sound manner.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in the strongest possible opposition. Mr. Chairman, I want to show the Members in the body this amendment. It took me a minute to decipher it. I was not sure if a chicken had been walking around or what. It has not been shown to me. I am the of-

feror of the bill. I saw it after the subcommittee chairman asked for a copy, so to say that there has been an attempt to work this issue out would be a misnomer.

Second, although the Chair has ruled it is germane because we have the right to amend the compact, I would point out that this is not a transportation bill. It is a bill simply saying that three States have the right to enter into an interstate compact.

Currently the Nuclear Regulatory Commission and the U.S. Department of Transportation and the States have more than adequate regulations in place regarding transportation of low-level radioactive materials. Of the States of Vermont and Maine, if the compact is ratified, it is estimated they are going to transport less than 50 truckloads of low-level nuclear material to the State of Texas each year.

Let us put that in perspective: 50 truckloads. There are millions of pounds of low-level, or at least hazardous materials, I would not say all radioactive materials, but hazardous materials being transported around the country today without this amendment. There is absolutely no reason to put another constraint on these three States other than already exists under current State and Federal law and regulation.

I understand the gentleman's concern, I understand he legitimately feels there may be a hazard to human health in some population areas of more than 25,000 people. I would point out though that almost all this material is going to be transported in containers that are at least a foot thick, more than 10 inches thick on the sides and a foot thick on the top, in solid form.

I would also point out that in the 30 years that the Nuclear Regulatory Commission has been monitoring the transportation of such materials in other areas, there have only been four accidents, and none of those accidents have resulted in any kind of an injury to human health at all. So there is no reason for this amendment.

This is not a transportation bill, it is a compact bill between three States. There are adequate regulations in place now at both the State and Federal level. I would hope that we would reject this amendment overwhelmingly.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is another amendment, like the Doggett amendment, that is just simply meant to kill or slow down or to derail this bill. That is simply all it is. It is asking for something that the Congress has never made such a condition on on any other compact.

As I read it, it says "No nuclear waste shall be transported through any incorporated area with a population in excess of 25,000 persons"; not just no low-level waste, no nuclear waste. That affects everybody in this country. That affects the gentleman from California,

who had the compact with the two Dakotas. You can get out of the Dakotas a few miles without hitting a city that is 25,000 or less, but you cannot get very close to California.

How can you get the shipments from any of the areas? This amendment may mean putting waste on back roads, rather than the safest streets. The safest streets are the highways, the better-built roads, the more recently being constructed roads. I cannot really believe the gentleman from Cleveland, OH [Mr. KUCINICH] wants to choose between who is at risk either. I do not want really believe he means that. The best highways may be the more populated areas with bypasses.

Do we want to put it on Main Street, the old Main Streets that come down through? It could vastly increase costs by putting waste on circuitous routes, and could make it a lot more dangerous. It could mean that you simply cannot ship waste, for example, from Rice University out of Houston, because you cannot use the roads. How would you get out of Sloan-Kettering in New York City to the outskirts of New York? You just could not do it. How could you get out of the smallest hospital in the city of Cleveland? You just could not do it.

This is a bad amendment, meant to derail the bill. I urge Members to vote against it.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment, because I believe very strongly that whether it is this amendment or any other amendment, it is not going to make a terrible bill any better.

I want to raise my objection to this amendment on another premise that has not been raised here today, because I spoke earlier about people who choose to live in the serenity of a small community, and in my case, in west Texas, where this proposed site is going to be built, or is planned to be built; that people have chosen to live in this serene area, where people are supposed to leave them alone and let them conduct their lives the way they see fit.

The premise the gentleman from Ohio makes that perhaps their rights are not as important as someone from an urban area, I cannot understand that. Why would a person, for example, that might live in Cleveland 1 year and decide the next year that they want to move to a small town with white picket fences, that has a population of 5,000, and suddenly the Federal Government comes along and says, if you live in Cleveland you do not have to have the nuclear waste come through your town, but if you live in Any Town, U.S.A., you are going have this stuff rolling by your front yard? I think that is discriminatory in terms of an American's choice of where they want to live. The right of an American in a rural area is every bit as important as the right of an American in an urban area.

I cannot understand how they can distinguish these rights by proposing this kind of amendment.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, first of all, I missed the first part of the debate. Did the gentleman say that he favored having this in Texas, in his district?

Mr. BONILLA. I am absolutely opposed to this bill and building this compact in my district.

Mr. KUCINICH. I missed that initial part. If I may continue, with the gentleman's permission, the issue here is not to establish competing interests between areas where the population is under 25,000 or areas where the population is over 25,000, the issue in this amendment is to establish that we put the responsibility on those officials in charge to make sure that they keep it out of populated areas, and that they draw the route through which this waste is going to move in such a way as to not jeopardize any heavily populated civilian area.

Those who support this bill want to transport it from Maine all the way through to Texas. So it is incumbent upon us to give some direction as to whether or not we want to see the waste moved away from populated areas, where there is less jeopardy.

There has been testimony presented by the supporters of this bill, by the gentleman from Texas [Mr. BARTON], that this is a very safe method of transport, that there has never been an accident that has caused any harm. If that is true, then this amendment should not be a problem with the gentleman.

Mr. BONILLA. Reclaiming my time, Mr. Chairman, my point is that I do not think a person living in an urban area should have any more preferential treatment than my area. I do not want the waste going through the town of the gentleman from Ohio [Mr. KUCINICH], and I do not want it winding up in my district.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask my friend, the gentleman from Cleveland, OH [Mr. KUCINICH], my good friend, whether this restriction applies to the compact that Ohio is a member of.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, Ohio no longer is a member of a compact. Based on numerous testimony and the concerns of Ohioans that nuclear waste was dangerous, we got out of the compact.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, but does this restriction apply to the compact that Ohio was a member of, or any other compact that has been passed by the Congress?

Mr. KUCINICH. I think we should ask for a ruling of the Parliamentarian.

Mr. SANDERS. It is not a question of a ruling, it is a factual question. The answer is no, obviously not. The question is a confusing one. The gentleman from Ohio [Mr. KUCINICH] and I are opposed to nuclear power. The question is, however, not to debate now the future of nuclear power, but what do we do when we have nuclear waste that is low level?

The implication of the argument of the gentleman from Ohio [Mr. KUCINICH] is a very simple one. That is, basically, because this is a clear amendment, if we cannot transport the low-level waste, then we have to get rid of it in our own backyard. The problem with that argument is, there are some backyards in the country in which it would be an environmental disaster to place low-level nuclear waste; that that waste would then seep into the water table, it would go all over the area, and people would be drinking it.

So in my view, what the gentleman from Ohio [Mr. KUCINICH] is arguing is bad environmental policy. Obviously, I would ask the gentleman from Ohio if he has researched the issue, and in fact, if he believes that it would be possible, and the gentleman from Texas [Mr. HALL] made this point, if it would be conceivable that waste could be taken from Vermont or Maine to Texas without going through a community of 25,000. My guess is it would be impossible.

All the gentleman from Ohio [Mr. KUCINICH] is saying is let us kill it; you cannot move it, let us kill it. But the whole thrust of a compact, the concept of a compact, is that there are some communities, and nobody wants low-level nuclear waste, we can agree on that, but we could also agree that environmentalists and geologists do tell us that there are some areas for geological reasons that can better accept the waste than other areas.

If the amendment of the gentleman from Ohio [Mr. KUCINICH] were to pass, essentially what he would be saying is that every community has to get rid of the waste within that area, despite the fact that some areas from an environmental point of view would see enormous damage.

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. HALL of Texas. Would it not also mean you could not even get it from one city to the next, not in intrastate nor interstate?

Mr. SANDERS. Somebody made the point that if you are in a hospital in a large city surrounded by another city, you obviously could not get it out.

Mr. HALL of Texas. The gentleman has been kind enough to use, and let me read it, "no nuclear waste," not just low-level waste, he has been kind enough to use low-level waste, but no nuclear waste could be moved.

Mr. KUCINICH. If the gentleman will continue to yield, Mr. Chairman, it is

implied in the amendment, of course, that if it becomes too difficult for it to be moved, then storing it on-site is a viable option. The decision of the nuclear utilities to locate was a decision that was affirmed by public utility or public service commissions, was it not?

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I opposed the construction of nuclear powerplants, so the gentleman is talking to the wrong guy. But the location of the nuclear powerplants, when they were developed, it was not implicit in that, it was certainly not implicit that the waste would be permanently stored on that location. For example, in Vernon, VT, it would be a disastrous place to store nuclear waste in a long-term period.

So given the reality, and this is the problem that we have, I say to the gentleman from Ohio, given the reality that we have all of this nuclear waste, the environmental challenge is to determine how we could dispose of that waste in the safest way possible.

I do not agree that forcing communities to dispose of it locally, which is the implication of the gentleman's amendment, is the safest. I would argue that that in fact could be an environmental disaster.

Mr. KUCINICH. If the gentleman will continue to yield, Mr. Chairman, I would say to the gentleman from Vermont [Mr. SANDERS], my proposal is to stop the shipment of waste through populated areas. However, it makes good sense, I believe, as public policy, that because we do not have any sound ways of storing this anywhere, that the best bet is to leave it on-site until we come up with—

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I would say to the gentleman from Ohio [Mr. KUCINICH], I think every environmentalist in America would tell him that is an absolutely incorrect statement.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Vermont.

Mr. SANDERS. I thank the gentleman for yielding to me.

I think there is not much of an environmental debate, I would say to my very good friend, the gentleman from Ohio, that there are certain locations in the country, given the fact that we have low-level waste, that can from an environmental point of view absorb and sustain that waste better than others. There is no question about it.

□ 1700

The gentleman is wrong, I believe, and I think most environmentalists and geologists would tell the gentleman that he is wrong by saying that it is good environmental policy to force communities which, from a geological point of view, would have a very difficult time containing that waste. I do not think that there is much argument about that.

The difference that we have is, the gentleman is opposed to nuclear power. I am opposed to it. But the reality is, we have waste. The environmental challenge is, how do we get rid of that waste in the most effective and safe way?

The gentleman from Ohio seems to think if it gets into a truck, that is more dangerous than if we store it in an unsound environmental location. I would strongly disagree and would argue that I think most geologists and environmentalists would also disagree.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I want to read into the RECORD the number of accidents, because when I spoke off the cuff, I did not give the correct number and I want to make sure that we at least get the record straight.

During the past 20 years, there have been 53 transportation accidents involving approximately 1,000 packages of commercial low-level radioactive waste. Of those 53 accidents, only 4 involved the release of any low-level radioactive waste, and of those 4, none resulted in any human injury.

So I was correct on that point. But there have been 53 accidents, not 4. There have been 53. Four resulted in release of some low-level contamination, but there was no one injured from those four.

Mr. Chairman, I would also like to point out that the amendment of the gentleman from Ohio [Mr. KUCINICH], as it is currently written, would prohibit all nuclear waste from being transported, not just low-level. And if we interpret it literally, we could not move the waste from where it was generated.

For example, at M.D. Anderson Cancer Center in Houston, TX, we could not remove the syringes, we could not remove the x-rays, we could not remove the radionuclides once they have been used. So it has been pointed out by others in opposition, this is a killer amendment. It is outside the scope of the bill, and I would hope that we would vote it down.

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, what the gentleman from Texas [Mr. BARTON] is saying is that it is better to put it in a site and a facility that is licensed for disposal rather than to create thousands of de facto sites in cities, hospitals, universities, and small areas all over the country?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, that is correct.

Mr. REYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is obvious that this issue is very complex, very complicated, and it is never a win-win situation. There are always winners and there are losers.

The gentleman from Vermont [Mr. SANDERS] asked the rhetorical ques-

tion: Is this kind of waste able to be absorbed in anyone's backyard? Obviously not. It depends on whose backyard we are talking about. I think this afternoon we have had a good opportunity to look at the complexity of the issue. We have had an opportunity to look at the controversy surrounding this kind of issue.

Mr. Chairman, I think that when we are talking about where is the waste, where can we store it, I would ask: Is it any safer in Vernon, VT, versus Sierra Blanca, TX? I think it is left up to the situation of whose ox is being gored.

I think in the context of the number of accidents, it does not make any difference how many accidents have occurred. It does not make any difference the historical record of those accidents. It is the next one that we have to worry about.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to go back to the beginning of this debate over this amendment. The gentleman from Vermont and I agree on the problems with nuclear power. Once nuclear power was created, nuclear waste as the output of it became a separate problem.

Nuclear utilities, it is true, built in environmentally sensitive areas. There is no question about that. Lake Erie is an example off the shores of the State of Ohio. There are two major nuclear power plants constructed in the eastern part and the western part of our State right on the shores of Lake Erie. But I submit that the technology still is not up to the challenge of moving this waste and that perhaps it is not up to the challenge of keeping it on site.

Mr. Chairman, perhaps there are no good choices here at all, but we must be cognizant of the fact that once we move it, that brings with it a whole different other set of circumstances and problems.

Mr. Chairman, 95 percent of the waste involved is from nuclear power plants. It is not from laboratories; it is from nuclear power plants. And because of that, when the waste is moved through heavily populated areas, it creates problems, and that is why I brought this amendment up.

I am well aware of the fact that utilities were not responsible in where these plants were built. I am well aware that some areas want the waste out of there. But the problem is, once we start moving the waste, we create a whole new set of problems. Until we are ready to move the waste in a responsible way away from populated areas, we should not be building new compacts to encourage the movement of new waste.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KUCINICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman will state his objection.

Mr. BARTON of Texas. Mr. Chairman, was the gentleman on his feet in time to request a vote?

The CHAIRMAN. The gentleman was on his feet.

Pursuant to House Resolution 258, further proceedings on the amendment offered by the gentleman from Ohio [Mr. KUCINICH] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. KUCINICH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact, pursuant to House Resolution 258, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BONILLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 309, nays 107, not voting 17, as follows:

[Roll No. 497]

## YEAS—309

Abercrombie Foglietta Meek  
 Aderholt Foley Metcalf  
 Allen Ford Mica  
 Archer Fowler Miller (CA)  
 Armeey Fox Miller (FL)  
 Baker Frelinghuysen Minge  
 Baldacci Frost Mink  
 Ballenger Furse Moran (KS)  
 Barcia Gallegly Moran (VA)  
 Barr Ganske Myrick  
 Barrett (NE) Gekas Neumann  
 Barrett (WI) Gephardt Ney  
 Bartlett Gilchrest Northup  
 Barton Gillmor Norwood  
 Bass Goode Nussle  
 Bateman Goodlatte Oberstar  
 Bentsen Goodling Obey  
 Bereuter Gordon Owens  
 Berman Goss Oxley  
 Berry Graham Packard  
 Bilbray Granger Parker  
 Bilirakis Green Paxon  
 Bishop Greenwood Pease  
 Bliley Gutmacht Pelosi  
 Blumenauer Hall (TX) Peterson (MN)  
 Blunt Hamilton Peterson (PA)  
 Boehlert Hansen Pickering  
 Boehner Harman Pickett  
 Bonior Hastert Pitts  
 Bono Hastings (FL) Pomeroy  
 Borski Hastings (WA) Porter  
 Boswell Hayworth Portman  
 Boucher Hefley Pryce (OH)  
 Boyd Hefner Quinn  
 Brady Herger Radanovich  
 Brown (CA) Hill Rahall  
 Brown (FL) Hilleary Ramstad  
 Brown (OH) Hobson Redmond  
 Bryant Hoekstra Regula  
 Bunning Horn Riggs  
 Burr Hostettler Riley  
 Burton Houghton Rivers  
 Buyer Hoyer Roemer  
 Callahan Hulshof Rogers  
 Camp Hutchinson Rohrabacher  
 Campbell Hyde Roukema  
 Canady Inglis Royce  
 Cannon Istook Ryan  
 Carson Jackson-Lee Sabo  
 Chabot (TX) Salmon  
 Chambliss Jenkins Sanders  
 Chenoweth John Sandlin  
 Christensen Johnson (WI) Sanford  
 Clay Johnson, E. B. Sawyer  
 Clayton Johnson, Sam Saxton  
 Clement Jones Scarborough  
 Clyburn Kaptur Schaefer, Dan  
 Coble Kildee Schaffer, Bob  
 Coburn Kilpatrick Scott  
 Collins Kim Serrano  
 Combest Kind (WI) Sessions  
 Condit King (NY) Shadegg  
 Cook Kingston Shaw  
 Cooksey Klink Sherman  
 Cox Klug Shimkus  
 Cramer Knollenberg Shuster  
 Crane Kolbe Sisisky  
 Crapo LaFalce Skaggs  
 Cubin Lampson Skelton  
 Cunningham Largent Smith (MI)  
 Danner Latham Smith (OR)  
 Davis (FL) LaTourette Smith (TX)  
 DeGette Lazio Smith, Adam  
 DeLay Leach Smith, Linda  
 Deutsch Levin Snowbarger  
 Dickey Lewis (KY) Snyder  
 Dicks Linder Solomon  
 Dingell Livingston Spence  
 Dooley Lofgren Spratt  
 Dreier Lowey Stabenow  
 Duncan Lucas Stark  
 Dunn Luther Stearns  
 Edwards Manton Stenholm  
 Ehlers Manzullo Stokes  
 Ehrlich Martinez Stump  
 Emerson Mascara Stupak  
 Engel McCarthy (MO) Sununu  
 Eshoo McCarthy (NY) Talent  
 Etheridge McCollum Tauscher  
 Everett McCrery Tauzin  
 Ewing McHale Taylor (MS)  
 Farr McHugh Taylor (NC)  
 Fattah McInnis Thomas  
 Fawell McIntosh Thompson  
 Fazio McIntyre Thornberry  
 Flake McKeon Thune

Tiahrt  
 Towns  
 Traficant  
 Turner  
 Upton  
 Vento  
 Walsh  
 Wamp

Waters  
 Watkins  
 Watts (OK)  
 Weldon (FL)  
 Weldon (PA)  
 Wexler  
 White  
 Whitfield

Wicker  
 Wolf  
 Woolsey  
 Wynn  
 Young (AK)  
 Young (FL)

## NAYS—107

Ackerman  
 Andrews  
 Bachus  
 Baesler  
 Blagojevich  
 Bonilla  
 Calvert  
 Capps  
 Castle  
 Conyers  
 Costello  
 Coyne  
 Cummings  
 Davis (IL)  
 Davis (VA)  
 Deal  
 DeFazio  
 Delahunt  
 DeLauro  
 Dellums  
 Diaz-Balart  
 Dixon  
 Doggett  
 Doolittle  
 Doyle  
 English  
 Ensign  
 Evans  
 Filner  
 Forbes  
 Frank (MA)  
 Franks (NJ)  
 Gejdenson  
 Gibbons  
 Gilman  
 Gutierrez

## NOT VOTING—17

Becerra  
 Cardin  
 Gonzalez  
 Hall (OH)  
 Hilliard  
 Jefferson

Matsui  
 McDermott  
 Neal  
 Pastor  
 Rangel  
 Schiff

Nadler  
 Nethercutt  
 Olver  
 Ortiz  
 Pallone  
 Pappas  
 Pascarell  
 Paul  
 Payne  
 Petri  
 Pombo  
 Poshard  
 Price (NC)  
 Reyes  
 Rodriguez  
 Rogan  
 Ros-Lehtinen  
 Rothman  
 Roybal-Allard  
 Rush  
 Sanchez  
 Schumer  
 Sensenbrenner  
 Shays  
 Skeen  
 Slaughter  
 Smith (NJ)  
 Souder  
 Strickland  
 Tierney  
 Torres  
 Velazquez  
 Watt (NC)  
 Weller  
 Weygand  
 Yates

□ 1732

Messrs. CAPPS, DIXON, FRANK of Massachusetts, HUNTER, GILMAN, MOAKLEY, PAYNE, Mrs. KELLY, and Mrs. MALONEY of New York changed their vote from “yea” to “nay.”

Mr. PICKERING and Mr. STARK changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 629, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

# REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-311) on the resolution (H. Res. 261) waiving points of order against the conference report to accompany the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1122, PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-312) on the resolution (H. Res. 262) providing for consideration of the Senate amendments to the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

# MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. SOLOMON. Mr. Speaker, I ask, and this is pretty complex so we should listen, I ask unanimous consent that it be in order today, or on any day thereafter, for the Speaker, as though pursuant to clause 1(b) of rule XXIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, and that consideration of the bill proceed according to the following order:

And we are about to vacate two rules and make in order a bill that has been agreed to by the other side of the aisle.

No. 1, the reading of the bill shall be dispensed with.

No. 2, general debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

No. 3, after general debate the bill shall be considered for amendment under the 5-minute rule.